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THE
COMPILED LAWS OF UTAH

THE DECLARATION OF INDEPENDENCE

AND

CONSTITUTION OF THE UNITED STATES

AND

STATUTES OF THE UNITED STATES LOCALLY
APPLICABLE AND IMPORTANT.

COMPILED AND PUBLISHED

BY AUTHORITY.

VOL. I.



HERBERT PEMBROKE, BOOK, JOB AND LEGAL BLANK PRINTER, 72 EAST TEMPLE STREET.

1888.

COMPILERS' NOTE.

THIS compilation has been prepared, and is now published, by virtue of an Act of the Legislative Assembly, which will be found in Volume II. It was so prepared during the late session, under our supervision as a joint committee of the two Houses; it was reported to and approved by them, and its publication authorized.

The First Part contains the Declaration of Independence, Constitution of the United States, the original Act for the Establishment of the Territorial Government, and other acts applicable specially to this Territory and to Territories generally, including Utah. It contains also other general statutes in force here, as well as throughout the Federal Jurisdiction, because they concern our local interests, and have to be often consulted by the courts and the public. The other parts comprise all the general or public statutes of the Territory.

The compilation published in 1876 has been acted upon as a complete collection of all the general laws in force at that time. Such parts of that compilation as have remained in force are included in the present compilation. Their places in the former compilation are indicated by retention of the bracket section numbers. The late legislation is inserted with the numbering of sections contained in the original acts.

The subdivisions of the codes and some other acts have been literally preserved under the original names, whether "Chapters", "Articles" or "Titles." This was made necessary by the references in certain provisions to others by these subdivisions.

The statutes have been grouped in parts by putting those together in each part which were cognate to the general subject stated in its title. Smaller groups have been made on the same plan in Chapters, and the sections numbered consecutively through both volumes.

This compilation was undertaken after the convening of the late session of the Legislative Assembly, and the obvious intention of the act being to have the work concluded before its adjournment, three gentlemen were employed by the committee to collect and arrange the statutes. This work was in part done by them jointly, other parts, for expedition, separately; but under our direction and continuous supervision.

We vouch for its thoroughness and accuracy as an official compilation, besides the matter in Part One, of all the general statutes of the Territory in force.

SAMUEL R. THURMAN,

CHAS. C. RICHARDS,

ENOS D. HOGE,

LUTHER T. TUTTLE,

JOHN R. CARLISLE,

Joint Legislative Committee.

SALT LAKE CITY, June 15, 1838.

CONTENTS OF PARTS

AND THEIR SUBDIVISIONS.

PART FIRST:

FEDERAL ACTS,

POLITICAL, CONSTITUTIONAL AND LEGISLATIVE.

	PAGE
Declaration of Independence - - - -	1
Constitution of the United States - - - -	6
Index to the Constitution of the United States - -	29
Organic Act establishing the Territorial Government of Utah	41
United States Statutes relating to Territories, including Utah	49
Extradition - - - -	65
Election of Delegate to Congress - - -	66
Circulation of Obscene Literature - - -	69
United States' convicts in Territorial jails or penitentiaries	70

ADDITIONAL AND LATER LEGISLATION BY CONGRESS.

SECTION 1.	Number and pay of Members of the Territorial Legislature - - - -	72
SECTION 2.	Division of Territory into Council and Representative Districts - - - -	72
SECTION 3.	Subordinate Officers of Territorial Legislature	72
SECTION 4.	Secretary of Territory - - - -	73
SECTION 5.	Territorial Legislation - - - -	73
SECTION 6.	Salaries of Territorial Officers - - -	74

	PAGE
SECTION 7. Scientific University, College, etc. - -	75
SECTION 8. Arms, Ammunition, etc. - - -	76
SECTION 9. Alien Land Act - - -	80
SECTION 10. Railroad Lands; Taxation - -	81
SECTION 11. Pacific Railroad Grants - - -	83
SECTION 12. Fort Douglas & Salt Lake, Utah & Northern and Oregon Short Line Railways -	88
SECTION 13. Mount Olivet Cemetery - - -	91
SECTION 14. Justices of the Peace in Territories -	92
SECTION 15. Agriculture and Mechanic Arts - -	92
SECTION 16. Restriction of Territorial Legislation -	93
SECTION 17. Defendants in criminal cases may be witnesses	96
SECTION 18. Convicts under Federal Laws - - -	97
SECTION 19. Territorial Courts and Appeals - -	99
SECTION 20. Poland Bill - - - -	101
SECTION 21. Anti-Polygamy Act of 1862 - -	108
SECTION 22. Edmunds Law - - - -	110
SECTION 23. Edmunds-Tucker Law - - - -	114
SECTION 24. Naturalization of Aliens - - -	125

LAND LAWS.

	PAGE
Pre-emptions - - - - -	131
Homesteads - - - - -	148
Desert Lands - - - - -	168
Timber and Timber Culture - - - - -	170
Town Sites and County Seats - - - - -	186
Mineral Lands - - - - -	194
Water Rights - - - - -	216
Easements - - - - -	219
Provisions relating to Sections Sixteen and Thirty-six -	224
Miscellaneous Provisions relating to the Public Lands -	226
Fees of Registers and Receivers - - - -	235
Additional and later Acts - - - - -	239
To Prevent Unlawful Occupancy of Public Lands -	239
Restoration to Market of certain Lands in Utah - -	241
For Relief of certain Settlers on restored Railroad Lands	242

PART SECOND:

TERRITORIAL ACTS,

FOR ORGANIZING AND MAINTAINING THE TERRITORIAL GOVERNMENT,
GENERAL AND LOCAL.

CHAPTER I.

Seat of Government	-	-	-	-	-	PAGE 243
--------------------	---	---	---	---	---	-------------

CHAPTER II.

The Legislature	-	-	-	-	-	244
Apportionment of Representation	-	-	-	-	-	245
Representative Districts	-	-	-	-	-	245
Council Districts	-	-	-	-	-	248

CHAPTER III.

Territorial Officers and their general Duties	-	-	-	-	-	250
Territorial Treasurer and Auditor of Public Accounts	-	-	-	-	-	250
Surveyor-General	-	-	-	-	-	254
Sealer of Weights and Measures	-	-	-	-	-	255
Recorder of Marks and Brands	-	-	-	-	-	258

CHAPTER IV.

Counties	-	-	-	-	-	260
----------	---	---	---	---	---	-----

CHAPTER V.

County and Precinct Officers	-	-	-	-	-	272
County Officers and their Duties	-	-	-	-	-	272
ARTICLE I. Probate Judges	-	-	-	-	-	273
ARTICLE II. Clerks of County Court	-	-	-	-	-	275
ARTICLE III. County Treasurers	-	-	-	-	-	278
ARTICLE IV. Sheriffs	-	-	-	-	-	279
ARTICLE V. County Surveyors	-	-	-	-	-	282
ARTICLE VI. County Prosecuting Attorneys	-	-	-	-	-	284
Recorders	-	-	-	-	-	285
Coroners	-	-	-	-	-	289
Precinct Officers	-	-	-	-	-	290

	PAGE
CHAPTER VI.	
County Court and County Administration	292
Powers, how exercised	293
Name	293
Powers	293
Restrictions	293
Certain contracts void	294
Penalty for allowing certain claims	294
County Seats	294
County Courts	295
Qualifications	295
Vacancy, how filled	295
Chairman	295
Clerk of the County Court	296
Duty of the Court	297
Regular Meetings	297
Special Meetings	298
All Meetings must be Public	298
General Permanent Powers of Court—Powers	298
Supervise Conduct of Officers	298
Divide County	299
Election Precincts, etc.	299
Public Roads	299
Indigent Sick and Poor	299
Farm	299
County Officers	300
Purchase and Control Real Estate	300
Court House, Jail and Hospital	300
Sell Certain Property of the County	300
Examine and Audit Accounts	300
Same	301
Levy Taxes	301
Maintain Public Pounds	301
Equalize Assessments	301
Control Suits	301
Insure Buildings	301
Fix Price of Advertising, etc.	302
Adopt a Seal	302
Enforce Rules	302
Annual Report	302

	PAGE
Destruction of Wild Animals, etc. - - -	302
Establish Funds - - - - -	302
Fill Vacancies - - - - -	303
To Provide for the Preservation of Public Health -	303
Common Carriers - - - - -	303
Working Prisoners - - - - -	304
Burying Dead - - - - -	304
Make and Enforce Local Regulations - - -	304
Adopt Rules - - - - -	304
Sheriff to Attend Meetings - - - - -	304
Subpœna for Witnessess, Books, etc. - - -	304
Subpœna, how served - - - - -	305
Powers of Chairman of Committee - - - -	305
Penalty for Neglect to Appear and Testify -	305
Same - - - - -	306
Not entitled to Fees - - - - -	306
Limitations on County Courts - - - - -	306
Claims must be Itemized - - - - -	307
Same - - - - -	307
Certain Claims Must be Rejected - - - - -	307
Proceedings After Rejection of Claim - - -	307
Warrant Must Specify Fund - - - - -	308
No Member of the Court Must be Interested in Certain Claims - - - - -	308
Notices, Where Posted - - - - -	308
Shade Trees - - - - -	308
Claims by Members - - - - -	309
Statement of the Clerk - - - - -	309
To Receive Donations of Property - - - -	309
Amount of Bonds - - - - -	309
Court to Audit County Charges - - - - -	310
Compensation of Members - - - - -	310

CHAPTER VII.

Removal of County Seats - - - - -	311
Change of Name of County, Precinct or School District -	314

CHAPTER VIII.

Notaries and Commissioners - - - - -	315
Of Commissioners of Deeds in States and Other Territories	315
Notaries Public - - - - -	316

CHAPTER IX.

Registration, Qualifications to Hold Office and Elections - 318

CHAPTER X.

Municipal Charters	-	-	-	-	-	-	-	-	330
Amendments	-	-	-	-	-	-	-	-	330
Salt Lake City		-	-	-	-	-	-	-	337
Logan City	-	-	-	-	-	-	-	-	360
Smithfield	-	-	-	-	-	-	-	-	371
Richmond	-	-	-	-	-	-	-	-	377
Mendon	-	-	-	-	-	-	-	-	382
Wellsville	-	-	-	-	-	-	-	-	386
Hyrum	-	-	-	-	-	-	-	-	397
Brigham City	-	-	-	-	-	-	-	-	401
Corinne	-	-	-	-	-	-	-	-	405
Willard	-	-	-	-	-	-	-	-	410
Ogden	-	-	-	-	-	-	-	-	414
Kaysville	-	-	-	-	-	-	-	-	427
Provo	-	-	-	-	-	-	-	-	432
Alpine	-	-	-	-	-	-	-	-	444
Lehi	-	-	-	-	-	-	-	-	451
American Fork	-	-	-	-	-	-	-	-	459
Pleasant Grove		-	-	-	-	-	-	-	467
Springville		-	-	-	-	-	-	-	474
Spanish Fork		-	-	-	-	-	-	-	482
Payson	-	-	-	-	-	-	-	-	490
Fillmore	-	-	-	-	-	-	-	-	503
Beaver	-	-	-	-	-	-	-	-	507
Parowan	-	-	-	-	-	-	-	-	511
Cedar	-	-	-	-	-	-	-	-	515
St. George	-	-	-	-	-	-	-	-	519
Washington	-	-	-	-	-	-	-	-	528
Silver Reef	-	-	-	-	-	-	-	-	532
Manti	-	-	-	-	-	-	-	-	535
Ephraim	-	-	-	-	-	-	-	-	542
Moroni	-	-	-	-	-	-	-	-	547
Mount Pleasant		-	-	-	-	-	-	-	551
Spring City	-	-	-	-	-	-	-	-	556
Fairview	-	-	-	-	-	-	-	-	561
Grantsville		-	-	-	-	-	-	-	565

	PAGE
Tooele - - - - -	576
Coalville - - - - -	580
Park City - - - - -	585
Morgan - - - - -	594
Richfield - - - - -	600
Kanab, Toquerville and Rockville Towns - -	604

CHAPTER XI.

An Act providing for the Incorporation of Cities -	609
ARTICLE I. - - - - -	609
ARTICLE II. The Mayor - - - - -	615
ARTICLE III. - - - - -	617
ARTICLE IV. The Power of the City Council -	619
ARTICLE V. Actions for Violations of Ordinances -	632
ARTICLE VI. Officers, their Powers and Duties -	633
ARTICLE VII. City Recorder - - - - -	636
ARTICLE VIII. City Attorney - - - - -	637
ARTICLE IX. City Treasurer - - - - -	637
ARTICLE X. Collection of Taxes and duties of Assessor and Collector - -	639
ARTICLE XI. Judicial Powers - - - - -	641
ARTICLE XII. - - - - -	641
ARTICLE XIII. Duties of Marshal and Police -	642
ARTICLE XIV. Finances - - - - -	643
ARTICLE XV. Local Assessments - - - - -	644
ARTICLE XVI. Elections - - - - -	646
ARTICLE XVII. How Corporate Limits may be Extended	647
ARTICLE XVIII. Restriction of Corporate Limits -	649
ARTICLE XIX. How Cities may Disincorporate -	650
ARTICLE XX. Miscellaneous - - - - -	651

CHAPTER XII.

For Organization of Towns - - - - -	653
-------------------------------------	-----

PART THIRD:

PUBLIC INSTITUTIONS AND CONCERNS.

CHAPTER I.

	PAGE
University - - - - -	658
Free Instruction of Normal Pupils - - -	661
Institute for Deaf Mutes - - - - -	662

CHAPTER II.

Agricultural College - - - - -	663
--------------------------------	-----

CHAPTER III.

Library - - - - -	668
-------------------	-----

CHAPTER IV.

Capitol Grounds - - - - -	669
---------------------------	-----

CHAPTER V.

Reform School - - - - -	672
-------------------------	-----

CHAPTER VI.

District Schools - - - - -	677
----------------------------	-----

CHAPTER VII.

Support of Poor - - - - -	691
---------------------------	-----

CHAPTER VIII.

Insane Asylum - - - - -	693
-------------------------	-----

CHAPTER IX.

Act for Public Loan	-	-	-	-	-	-	714
---------------------	---	---	---	---	---	---	-----

CHAPTER X.

General Revenue for Territory, Counties and Schools	-	718
Transitory Herds	- - - - -	733
Revenue Licenses	- - - - -	734
Equalization of Taxes	- - - - -	735

CHAPTER XIII.

Highways	- - - - -	738
----------	-----------	-----

CHAPTER XIV.

Preservation of Game and Fish	- - - - -	745
Bounties for Destruction of Obnoxious Animals and English Sparrows	- - - - -	749

CHAPTER XV.

Regulations on Sundry Subjects of Public Concern	-	751
Interest	- - - - -	751
Use of Certain Paper as Money	- - - - -	751
Holidays	- - - - -	752

CHAPTER XVI.

Encouragement of Industries	- - - - -	753
Deseret Agricultural & Manufacturing Company	- -	753
Agricultural Fair Grounds	- - - - -	762
Growth of Timber	- - - - -	764
Recording Pedigree of Stock	- - - - -	765
Manufacture of Sugar	- - - - -	766

CHAPTER XVII.

Internal Police Regulations	- - - - -	767
Intoxicating Liquors	- - - - -	767
Quarantine	- - - - -	772
Inquests	- - - - -	774

	PAGE
Foul Brood in Bees - - - - -	777
Branding and Herding Cattle - . - - -	779
Estrays - - - - -	783
Fencing Lots - - - - -	788
Damage by Animals - - - - -	789
Diseased Animals - - - - -	790
Protection of Persons and Animals - - - - -	790
Butchering and Meat Markets - - - - -	791
Certain Animals Running at Large - - - - -	792
Removal and Burial of Dead Animals - - - - -	794
Opium - - - - -	795
Entering Railroad Cars - - - - -	796
Befouling Waters - - - - -	797
Toy Pistols - - - - -	797



PART FIRST.

FEDERAL ACTS.

POLITICAL, CONSTITUTIONAL AND LEGISLATIVE.

DECLARATION OF INDEPENDENCE.

Unanimously Passed by the Congress of the Thirteen United States of
America, July 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient

causes; and, accordingly, all experience has shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary to the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the danger of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies; without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of the States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered

only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the UNITED STATES of AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And, for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLET,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Delaware.

CÆSAR RODNEY,
GEORGE READ,
THOMAS McKEAN.

Massachusetts Bay.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Maryland.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL, of Carrollton.

Rhode Island.

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New York.

WILLIAM FLOYD,
PHILLIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

New Jersey.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,

JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina.

WILLIAM HOOPER,
JOSEPH HEWS,
JOHN PENN.

South Carolina.

EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

CONSTITUTION

OF THE

UNITED STATES.

PREAMBLE.

Preamble.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution of the United States of America.

ARTICLE I.

OF THE LEGISLATURE.

SECTION I.

Legislative powers.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

House of Representatives and qualifications of electors.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualification requisite for electors of the most numerous branch of the State Legislature.

Of Representatives.

2. No person shall be a representative who shall not have attained the age of twenty-five years, and been seven

CONSTITUTION OF THE UNITED STATES.

years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

Apportionment of representatives; ratio of representation; first apportionment.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Vacancies.

5. The House of Representative shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Choice of officers.

SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Senate; each Senator has one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive

Senators classed; when seats vacated and filled; vacancies and appointments.

thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Qualifications
of Senators.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

President of
the Senate.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Officers.

5. The Senate shall choose their other officers, and also a President, *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

Impeach-
ments.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Extent of
judgment.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.

Elections,
how regulated.

1. The times, places and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Meetings of
Congress.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each house to
judge of its
members;
quorum.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a

smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member. To determine its own rules.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall at the desire of one-fifth of those present, be entered upon the journal. To keep and publish journal of proceedings.

4. Neither House during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. Adjournment.

SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place. Compensation; privilege.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during this continuance in office. Their disability to hold office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills. Revenue bills.

President to sign bill, etc.; proceedings on bills returned by President.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days—Sundays excepted—after it shall have been presented to him, the same bill shall be law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Joint resolutions, except for adjournment, to receive the same sanction as bills.

3. Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary—except on a question of adjournment—shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power—

Powers of Congress to lay taxes.

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

Loans.

2. To borrow money on the credit of the United States;

Commerce.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

Naturalization.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcy throughout the United States;

5. To coin money, regulate the value thereof, and of Money.
foreign coin, and fix the standard of weights and measures;
6. To provide for the punishment of counterfeiting the Counterfeit-
securities and current coin of the United States; ing.
7. To establish post offices and post roads; Post-offices.
8. To promote the progress of science and useful arts, Science.
by securing for limited times, to authors and inventors, the
exclusive right to their respective writings and discoveries;
9. To constitute tribunals inferior to the Supreme Tribunals.
Court; to define and punish piracies and felonies committed
on the high seas, and offenses against the law of nations;
10. To declare war, grant letters of marque and re- War.
prisal, and make rules concerning captures on land and
water;
11. To raise and support armies; but no appropriation Army.
of money for that use shall be for a longer term than two
years;
12. To provide and maintain a navy; Navy.
13. To make rules for the government and regulation of Land and na-
the land and naval forces; val forces.
14. To provide for calling forth the militia to execute Militia.
the laws of the Union, suppress insurrections, and repel in-
vasions;
15. To provide for organizing, arming, and disciplining Disciplining
the militia, and for governing such part of them as may be the militia.
employed in the service of the United States, reserving to
the States respectively the appointment of the officers, and
the authority of training the militia according to the disci-
pline prescribed by Congress.
16. To exercise exclusive legislation in all cases what- Exercise ex-
soever, over such district (not exceeding ten miles square) clusive legis-
as may by cession of particular States, that the acceptance lation in cer-
of Congress, become the seat of the government of the tain cases.
United States, and to exercise like authority over all places
purchased, by the consent of the Legislature of the State in
which the same shall be, for the erection of forts, magazines,
arsenals, dock yards, and other needful buildings; and
17. To make all laws which shall be necessary and Laws neces-
proper for carrying into execution the foregoing powers, and sary for the ex-
all other powers vested by this Constitution in the Govern- ecution of
ment of the United States, or in any department or officer their powers.
thereof.

SECTION IX.

Importation of certain persons not to be prohibited until after 1808.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Writ of habeas corpus.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Attainder.

3. No bill of attainder, or *ex post facto* law, shall be passed.

Direct tax.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Of commerce from the States, etc.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Of expenditures.

6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility to be granted, etc.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title, of any kind whatsoever, from any king, prince or foreign State.

SECTION X.

Powers prohibited to the individual States.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

Powers which the States can exercise only under the sanction of Congress.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws:

and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

OF THE EXECUTIVE.

SECTION I.

1. The executive power shall be vested in a President Executive power. of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such a manner as the Electors of President and Vice President Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. *The electors shall meet in their respective States, Meeting of the electors. and vote by ballot for two persons of whom one at least shall be an inhabitant of the same State with themselves. And [*Annulled; see amendments, article 12.] they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representa-

tives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

Time of
choosing elec-
tors.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications
for President.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of va-
cancy, Vice
President to
act.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Compensation
of the Presi-
dent.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Oath of the
President.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will,

to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SECTION II.

1. The President shall be Commander-in-Chief of the Powers of the President. army and navy of the United States, and of the militia of the several States, when called into actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by His power to make treaties, to appoint Ambassadors, Consuls, and other officers. and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers, and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to the Congress in-Duties of President. formation of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

Officers liable
to impeach-
ment.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

OF THE JUDICIARY.

SECTION I.

Judicial
power.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

Extent of ju-
dicial power.

1. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Jurisdiction of
Supreme
Court.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Trial of
crimes.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the

State where the said crime shall have been committed, but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against the United States shall consist only ^{Treason.} in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punish- ^{Congress to declare its punishment.} ment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to ^{Credit to be given in each State to the acts of other States.} the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all priv- ^{Reciprocity of citizens.} ileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, ^{Criminals to be delivered up.} or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the States having jurisdiction of the crime.

3. No person held to service or labor in one State under ^{Persons held to service to be delivered up.} the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

Admission of
new States.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

Congress to
have power
over territory.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims in the United States, or of any particular State.

SECTION IV.

Republican
form of gov-
ernment guar-
anteed to each
State.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

OF AMENDMENTS.

Mode of
amending the
Constitution.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution; or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. Constitution to be the supreme law of the land; the State judges bound thereby

2. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges, in every State, shall be bound thereby; any thing in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States. Certain officers to take oath to support this Constitution; no religious test.

ARTICLE VII.

1. The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same. How ratified.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

PRESIDENT, AND DEPUTY FROM VIRGINIA.

IN CONGRESS,

SATURDAY, SEPT. 13, 1788.

On the question to agree to the following proposition, it was resolved in the affirmative, by the unanimous votes of nine States, viz: of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina and Georgia.

Constitution
declared to be
ratified.

WHEREAS, the Convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st February, 1788, did, on the 17th of September, in the same year, report to the United States, in Congress assembled, a Constitution for the United States; whereupon, Congress, on the 28th of the same September, did resolve unanimously, "That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a convention of delegates, chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case;" *And Whereas*, The Constitution so reported by the Convention, and by Congress transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress, and are filed in the office of the Secretary; therefore,

Government
to go into
operation.

Resolved, That the first Wednesday in January next be the day for appointing electors in the several States, which before the said day, shall have ratified the said Constitution; that the first Wednesday in February next shall be the day for the electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place for commencing proceedings under the said Constitution.

[The following amendments, from 1 to 10 inclusive, were proposed at the first session of the first Congress of the United States, which was begun and held at the city of New York on the 4th of March, 1789, and were adopted by the requisite number of States.—1 Vol. Laws of U. S., p. 72.]

[The preamble and resolution following, preceded the original proposition of the amendments, and as they have been supposed by a high equity judge (8th Wendell's Reports, p. 100), to have an important bearing on the construction of those amendments, they are here inserted. They will be found in the journals of the first session of the first Congress.]

Congress of the United States, begun and held at the city of New York, on Wednesday, the 4th of March, 1789. The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the Government, will but insure the beneficent ends of its institution:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of both Houses concurring), That the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

AMENDMENTS.

ARTICLE I.

Restrictions of
the powers of
Congress.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

People may
keep arms.

A well regulated militia being necessary to the security of a Free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

Quartering of
soldiers.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

Search war-
rants.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and

seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or other-wise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Proceedings
against per-
sons charged
with crimes;
their rights.

Private pro-
perty.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Rights of the
accused.

ARTICLE VII.

In suits at common law, where the value in controversy

Rights of trial
by jury.

shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive
bail, etc.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Construction
of Constitu-
tion.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Reserved
powers.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[The following amendment was proposed at the second session of the third Congress. It is printed in the laws of the United States, 1st vol., p. 73, as Article 11.]

ARTICLE XI.

Construction
of Judicial
powers.

The judicial powers of the United States shall not be construed to extend to any suit in law or equity, commenced

or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

[The three following sections were proposed as amendments at the first session of the eighth Congress. They are printed in the laws of the United States as Article 12.]

ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice Presi-

Mode of elect-
ing President
and Vice Pres-
ident of the
United States;
choosing
President.

dent shall act as President, as in case of the death or other constitutional disability of the President.

Vice President.

2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

Qualification.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

ABOLITION OF SLAVERY.

SECTION I.

Neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION II.

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION I.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall

make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION II.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION III.

No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION IV.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United

States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

SECTION V.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION I.

Equal
Suffrage

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

SECTION II.

The Congress shall have power to enforce this article, by appropriate legislation.

INDEX TO THE CONSTITUTION OF THE UNITED STATES.

	ARTICLE	SECTION	CLAUSE
ABSENCE, of Vice President, President <i>pro tem.</i> to be chosen	1	3	5
Of Senators and Representatives, compelling attendance.....	1	5	1
ACCOUNT of receipts and expenditures to be published.....	1	9	6
ACCUSATION, nature and cause of to be made known to the accused.....	6	Am.	
ACCUSED, where to be tried; trial; witnesses; to be informed of charge; counsel.....	6	Am.	
ACTIONS, at common law, trial by jury.....	7	Am.	
ACTS, records and judicial proceedings of States, faith and credit to be given to.....	4		1
Proof of.....	4		1
ADJOURNMENT, when less than quorum of House present...	1	5	1
Neither House shall adjourn except, etc.; nor to any other place.....	1	5	4
President's approval not required.....	1	7	3
May fix time to adjourn when.....	2	3	1
ADMIRALTY, jurisdiction in and in maritime cases.....	3	2	1
ADMISSION, of States by Congress.....	4	3	1
ADVICE, etc., of Senate, treaties and appointments to be made by President.....	2	2	2
AFFIRMATION. See oath			
AGE requisite of President.....	2	1	5
Of Vice President.....	12	Am.	3
Of Senators.....	1	3	3
Of Representatives.....	1	2	2
AGREEMENT, compact, States not to make without consent of Congress.....	1	10	2
ALLIANCE, treaty, confederation, States not to enter into....	1	10	1
AMBASSADORS, Public Ministers, Consuls, President to appoint.....	2	2	2
Judicial power extends to cases affecting....	3	2	1
AMENDMENTS to Constitution when and how made.....	5		1
APPELLATE JURISDICTION of Supreme Court, regulations, exceptions, etc.....	3	2	2
APPOINTMENT, of Ambassadors, Public Ministers, Consuls, Judges, and other public officers by President	2	2	2
Senators and Representatives to receive, when.....	1	6	1
Of Presidential Electors, qualifications, etc.....	2	2	1
Of Senators to fill vacancies.....	1	3	2
Of officers by courts and heads of departments.....	2	2	2
Of officers in militia.....	1	8	15
APPORTIONMENT OF REPRESENTATIVES in Congress....	1	2	3
Of direct taxes how.....	1	2	3
(See amendment).....	14		2

	ARTICLE	SECTION	CLAUSE
APPROPRIATIONS, of money may be for what length of time	1	8	11
Money not to be drawn except on.....	1	9	6
APPROVAL of Acts of Congress by President.....	1	7	2
ARMS, right of people to keep and bear.....	2	Am.	
ARMY, President Commander-in-Chief of.....	2	2	1
Congress may raise and support.....	1	8	11
To make rules for the government of.....	1	8	13
Appropriations for, for what time.....	2	8	11
ARREST, Senators and Representatives exempt from when....	1	6	1
ARSENALS, Congress has authority over, etc....	1	8	16
ARTICLES exported—no duty on	1	9	5
ARTS—SCIENCES, power of Congress to promote.....	1	8	8
ATTAINDER, no bill of, or <i>ex-post-facto</i> law to be passed....	1	9	3
States not to pass any.....	1	10	1
Of treason, not work corruption of blood or forfeiture	3	3	2
AUTHENTICATION, of acts, records and judicial proceedings	4	1	1
AUTHORS—INVENTORS, securing rights to....	1	8	8
BAIL, fines and punishments, excessive prohibited.....	8	Am.	
BANKRUPTCY, Congress to pass uniform laws in subject of...	1	8	4
BILLS, to be presented to President for approval.....	1	7	2
BILLS become law if not returned by President, when.....	1	7	2
Reconsideration of and passage after veto.....	1	7	2
For raising revenue to originate in House.....	1	7	1
BILLS OF CREDIT, States prohibited from emitting.....	1	10	1
BORROWING money, on credit of United States.....	1	8	2
BOUNTIES, debts incurred for, not to be questioned.....	14	Am.	4
BREACHES OF THE PEACE, arrest of Senators and Represent-			
atives for.....	1	6	1
BRIBERY, removals from office on conviction for.....	2	4	1
BUILDINGS, for public purposes, Congress controls.....	1	8	16
CAPITAL CRIMES, answerable only on indictment	5	Am.	
CAPITATION TAX, to be laid only in proportion to the census	1	9	4
CAPTURES, on land and water to be regulated by Congress	1	8	10
CASTING VOTE, to be given by Vice President when.....	1	3	4
CENSUS, first and subsequent, when to be taken.....	1	2	3
CHIEF JUSTICE, to preside at trial of impeachment of the			
President.....	1	3	6
CITIZENS, who deemed to be.....	14	Am.	1
Citizens only eligible to office of President.....	2	1	5
Vice President.....	12	Am.	3
Senators	1	3	3
Representatives.....	1	2	2
Judicial power extends to causes between citizens of			
different States.....	3	2	1
But not to suits by citizens of a State or foreign			
power against a State.....	11	Am.	
Of each State entitled to the privileges, etc., of the			
citizens of the several States.....	4	2	1
Privileges not to be abridged.....	14	Am.	1
Not to be denied the protection of law.....	14	Am.	1
Not to be deprived of life, liberty, etc., without due			
process of law.....	14	Am.	1
Right to vote, not to be denied or abridged.....	15	Am.	1

	ARTICLE	SECTION	CLAUSE
CLAIMS of States and United States not to be prejudiced.....	4	3	2
COIN, Congress to coin money.....	1	8	5
To regulate value thereof and for foreign coins.....	1	8	2
To punish counterfeiting.....	1	8	5
States to make gold and silver coin only, legal tender	15	Am.	1
COLOR, rights of citizens not to be abridged on account of...	15	Am.	1
COMMANDER-IN-CHIEF, of army, navy and militia, President to be.....	2	2	1
COMMERCE, Congress to regulate.....	1	8	3
No preference to be given to any ports.....	1	9	5
COMMISSIONS, to fill vacancies to be issued by the President when.....	2	2	3
To all United States officers to be issued by the President.....	2	3	1
COMMON DEFENSE, and general welfare, Congress to provide for.....	1	8	1
provide for.....	1	9	1
COMPENSATION, of President not to be increased or diminished when.....	2	1	7
Of Judges of Supreme and inferior Courts.....	3	1	1
Of Senators and Representatives.....	1	6	0
For private property when taken for public use....	6	Am.	
CONGRESS, to consist of Senate and House.....	1	1	1
Vested with all legislative power granted, etc.....	1	1	1
To assemble each year, and when.....	1	4	2
President may convene, when.....	2	3	1
Election of Senators and Representatives.....	1	4	1
Elections, returns, etc., members of each House judges of.....	1	5	1
Quorum, majority of each House to be.....	1	5	1
Rules of proceeding—disorderly behavior—expulsion of members, etc.....	1	5	2
Journal to be kept and published.....	1	5	3
Yeas and nays, when to be taken.....	1	5	3
Adjournment, not without consent, except, etc....	1	5	2
President may adjourn Congress, when.....	2	3	1
To collect taxes, duties and imposts.....	1	8	1
To pay debts.....	1	8	1
To provide for common defense.....	1	8	1
To borrow money.....	1	8	2
To regulate commerce.....	1	8	3
To enact uniform naturalization and bankrupt laws	1	8	4
To coin money.....	1	8	5
To regulate value of coins.....	1	8	5
To punish counterfeiting.....	1	8	6
To establish post-offices and post-roads.....	1	8	7
To promote science and art.....	1	8	8
To constitute Courts inferior to Supreme Court....	2	8	9
To punish piracies, and offences against the law of nations.....	1	8	9
To declare war, grant letters of marque, etc.....	1	8	10
To raise armies.....	1	8	11
To provide and maintain a navy.....	1	8	12
To regulate the land and naval forces.....		8	13

	ARTICLE	SECTION	CLAUSE
CONGRESS to provide for militia, arming, etc.....	1	8	15
To suppress insurrection.....	1	8	14
To repel invasion.....	1	8	14
To regulate time for choosing Electors and President	2	1	4
To count votes of Electors for President.....	12	Am.	1
To propose Amendments to Constitution.....	5		1
To make provision in case of death of President and Vice President.....	2	1	6
To provide for appointment of inferior officers.....	2	2	2
To regulate jurisdiction of Courts, when.....	3	2	2
To fix place for trial of crimes in certain cases	3	2	3
To declare punishment for treason.....	3	3	2
To provide for proof of acts, records, etc.....	4	1	e
To admit new States.....	4	3	1
To dispose of and regulate Territories and other property.....	4	3	2
To exercise exclusive legislation when.....	1	8	16
CONGRESS to make laws for the proper execution of the powers granted by the Constitution.....	1	8	17
Not to prohibit migration when.....	1	9	1
Nor grant titles of nobility.....	1	9	7
Nor interfere with matters of religion.....	1	Am.	
Nor abridge freedom of speech or the press.....	1	Am.	
Nor abridge the right of petition.....	1	Am.	
CONSENT OF CONGRESS, gifts, titles, etc., not to be accepted without.....	1	9	7
Imposts and duties not to be laid by States without	1	10	2
States not to lay duties on tonnage without.....	1	10	2
Nor keep troops or ships of war in time of peace; nor enter into compacts with other States; nor engage in war, etc., without.....	1	10	2
States not to be formed by junction of other States, etc., without.....	4	31	
CONSTITUTION—the supreme law of the land.....	6		2
Powers, granted to be carried out by legislation....	1	8	17
Oath to support, by President, etc.....	2	1	8
By other officers.....	6		3
Amendments to, how made.....	5		1
Rights granted by, not to disparage rights reserved	9	Am.	
CONSULS, appointment of by President.....	2	2	2
Jurisdiction of Supreme Court as to, etc.....	3	2	2
CONTRACTS, States not to pass laws impairing obligation of	1	10	1
CONVICTION on impeachment, two-thirds of Senate required	1	3	6
COPYRIGHT, may be secured to authors.....	1	8	8
COUNSEL for accused in criminal trials.....	6	Am.	
COURTS, Supreme and inferior, judicial power vested in....	3	1	1
Inferior, Congress may establish.....	1	8	9
COURTS, Judges hold during good behavior.....	3	1	1
Of Supreme Court, appointment of.....	2	2	2
CREDIT, BILLS OF, not to be emitted by States.....	1	10	1
CRIME, persons charged with to be delivered up.....	4	2	2
President, officers, etc., may be removed for.....	2	4	1
Trial for, when, where, etc.....	3	2	3
Capital and infamous, to be tried on indictment....	5	Am.	

	ARTICLE	SECTION	CLAUSE
CRIMINAL PROSECUTIONS, how conducted, regulation of	6	Am.	
Accused need not be a witness against himself....	5	Am.	
DEATH, removal, resignation, or inability of President and Vice President—provision to be made.....	2	1	6
DEBTS of United States, Congress to provide for paying....	1	8	1
Validity of, not to be questioned, etc.....	14	Am.	4
Incurred in aid of rebellion not to be paid.....	14	Am.	4
Gold and silver coin only, to be made legal tender for debts, by States.....	1	10	1
DEFENSE and general warfare, Congress to provide for....	1	8	1
In criminal trials, right of accused to counsel....	6	Am.	
DEPARTMENTS, executive, President may require opinions from.....	2	2	1
Appointment to office by heads of.....	2	2	2
DIRECT TAX, how apportioned.....14 Am. 2 1 2 3	1	9	4
DISABILITY of President and Vice President.....	2	1	6
To hold office, for disloyalty.....	14	Am.	3
DISORDERLY BEHAVIOR in Congress, punishment—expulsion, etc.....	1	5	2
DISTRICT OF COLUMBIA, Congress to legislate for.....	1	8	16
DOCK YARDS, Congress has exclusive control.....	1	8	16
DOMESTIC VIOLENCE, Congress to protect against	4	4	1
DUE PROCESS OF LAW, no person to be deprived of life, liberty or property without.....	14	Am.	1
DUTIES, IMPOSTS, Congress may lay uniform	1	8	1
Not to be laid on exports.....	1	9	5
Nor on vessels trading between States.....	1	9	5
No preference to be given to ports of any State....	1	9	5
Nor to be laid by States, when.....	1	10	2
ELECTION of President and Vice President12 Am. 1	2	1	3
Of Members of Congress, States to prescribe time, etc	1	4	1
Of Senators.....1 3 2	1	3	1
Of Representatives.....1 2 4	1	2	1
Each House judge of, etc.....	1	5	1
ELECTIVE FRANCHISE, withholding or abridging.....	14	Am.	2
ELECTORS, qualifications of.....	1	2	1
Presidential electors, qualifications.....	14	Am,	3
Office holders not to be.....	2	1	2
EQUAL PROTECTION, of the laws, not to be denied to any person	14	Am.	1
EQUAL SUFFRAGE in Senate, States not to be deprived of..	5		1
EQUITY, jurisdiction11 Am	3	2	1
EXCESSIVE BAIL, not to be required....	8	Am.	
EXECUTIVE POWER, vested in President.....	2	1	1
EXPENDITURES, statements and accounts to be published...	1	9	6
EXPORT DUTIES, not to be laid.....	1	9	5
States not to impose.....	1	10	2
EX-POST-FACTO laws not to be passed by Congress.	1	9	3
Nor by the States.....	1	10	1
FAITH AND CREDIT, to be given to public acts, records and judicial proceedings.....	4	1	1
FELONIES committed on high seas, Congress to punish.....	1	8	9
FINES, excessive, not to be imposed.....	8	Am.	

	ARTICLE	SECTION	CLAUSE
FOREIGN NATIONS, regulation of commerce with.....	1	8	3
Coins of, Congress to fix value.....	1	8	5
Citizens of, subject to jurisdiction of courts.....	3	2	1
States not to make treaties with.....	1	10	2
FORFEITURE for treason, extent of.....	3	3	2
FORM OF GOVERNMENT, Republican guaranteed to States.	4	4	1
FORTS, ARSENALS, Congress vested with control of.....	1	8	16
FREEDOM OF SPEECH and press, not to be abridged.....	1	Am.	
FUGITIVES FROM JUSTICE, to be delivered up.....	4	2	2
From labor and service.....	4	2	3
GENERAL WELFARE and common defense, Congress to provide for	1	8	1
GOOD BEHAVIOR, judges to hold office during.....	3	1	1
GOVERNMENT, Republican in form guaranteed.....	4	4	1
GRAND JURY, presentment and indictment by.....	5	Am.	
HABEAS CORPUS, writ not to be suspended except, etc.....	1	9	2
HEADS OF DEPARTMENTS, appointments to office by.....	2	2	2
HOUSE OF REPRESENTATIVES, Members of, how apportioned	14 Am. 2	1	2 3
Members not to be appointed to other offices.....	1	6	2
Election of	1	2	1
In case of vacancy.....	1	2	4
Requisite qualifications of.....	1	2	2
Disloyalty disqualifies	14	Am.	3
Judge of election of members, etc.....	1	5	1
To choose Speaker and officers.....	1	2	5
To determine rules of proceeding.....	1	5	2
To punish disorderly behavior.....	1	5	2
To keep and publish journal.....	1	5	3
To have sole power of impeachment.....	1	2	5
To originate bills for revenue.....	1	7	1
To choose, President when.....	12	Am.	1
IMMUNITIES—PRIVILEGES, citizens of each State entitled to all.....	4	2	1
Of citizens not to be abridged by States.....	14	Am.	1
IMPEACHMENT, power of, vested in House.....	1	2	5
Trial of by Senate, how, etc.....	1	3	6
Judgment on, effect of.....	1	3	7
IMPEACHMENT, punishment, nature of.....	2	4	1
Offense not to be pardoned.....	2	2	1
IMPORTS, duties to be regulated by Congress.....	1	8	1
Not to be laid by States, except, etc.....	1	10	2
INDIANS, excluded from representation, when.....	1	2	3
Congress to regulate commerce with.....	1	8	3
INDICTMENT, capital and infamous crimes to be tried on....	5	Am.	
INSURRECTION, REBELLION, debts contracted to suppress, legal.....	14	Am.	4
INVASION, INSURRECTION, militia may be called to repel and suppress	1	8	14
Habeas corpus, suspension of, during.....	1	9	2
INVENTORS, AUTHORS, protection may be given to.....	1	8	8
JEOPARDY, accused not to be twice put in for the same cause	5	Am.	
JOURNAL, each House to keep and publish.....	1	5	3

	ARTICLE	SECTION	CLAUSE
JUDGES, appointment of.....	2	2	2
To hold during good behavior.....	3	1	1
JUDICIAL POWER, vested in Supreme and inferior courts....	3	1	1
Jurisdiction, extent of.....	3	2	1
Original and Appellate.....	3	2	2
Limitations on	11	Am.	
JURY, trial by for crimes, except on impeachment.....	3	2	3
Accused entitled to speedy trial by.....	6	Am.	
Right to, in suits at common law, when.....	7	Am.	
Trial of fact by, how re-examined.....	7	Am.	
LAND AND NAVAL FORCES, Congress to make rules for....	1	8	13
LANDS ceded to United States, Congress to control.....	1	8	16
LAWS, for carrying powers granted by Constitution into effect	1	8	17
Impairing obligation of contract, prohibited.....	1	10	1
Naturalization and bankruptcy laws.....	1	8	4
State laws when subject to control of Congress.....	1	10	2
Subordinate, etc., when	6		2
LAW OF NATIONS, punishment for offences against.....	1	8	9
LEGISLATION of Congress, exclusive, when....	1	8	16
LEGISLATIVE POWERS, granted by Constitution vested in			
Congress	1	1	1
LEGISLATURES of States may apply for protection, when....	4	4	1
Consent of, when necessary to form new State.....	3	3	1
Amendments to Constitution to be ratified by.....	5		1
Senators to be chosen by.....	1	3	1
LETTERS OF MARQUE, Congress may grant.....	1	8	10
Not to be granted by States.....	1	10	1
LIFE, LIBERTY AND PROPERTY, no one to be deprived of			
without due process of law.....	5	Am.	
MAJORITY of each House a quorum.....	1	5	1
Of Electoral votes elects President.....	12	Am.	1
Of State votes to elect by the House.....	12	Am.	2
Elects Vice President.....	12	Am.	2
MARITIME JURISDICTION, where vested.....	3	2	1
MARQUE AND REPRISALS, Congress may grant letters of..	1	8	10
States may not.....	1	10	1
MEASURES AND WEIGHTS, Congress to fix standard.....	1	8	5
MILITIA, appointment of officers of.....	1	8	15
Congress to provide for calling out.....	1	8	14
For organizing and disciplining.....	1	8	15
President commander of, when.....	2	2	1
MISDEMEANORS and other crimes, impeachment for.....	3	4	1
MONEY, Congress may borrow.....	1	8	2
May coin and regulate value.....	1	8	5
To be drawn only on appropriation.....	1	9	6
States not to coin.....	1	10	1
NATURALIZATION, Congress to enact uniform laws for	1	8	4
Naturalized persons, citizens, when.....	14	Am.	1
NAVAL FORCES, Congress to make rules for.....	1	8	13
NAVY, Congress to provide and maintain.....	1	8	12
NEW STATES, Congress may admit into the Union.....	4	3	1
Formation of, from parts of other States.....	4	3	1
NOBILITY, TITLE OF, not to be granted nor accepted.....	1	9	7
States prohibited from granting.....	1	10	1

	ARTICLE	SECTION	CLAUSE
NOMINATIONS TO OFFICE, President to submit to the Senate	2	2	2
OATH OF OFFICE, to be taken by President	2	1	
To be taken by other officers, State and Federal	6		3
OATH, warrant of arrest to be supported by	6	Am.	
OBLIGATION OF CONTRACTS, States not to pass laws impairing	1	10	1
OFFICE, Members of Congress not to hold other	1	6	2
Forfeited on impeachment	2	4	1
OFFICERS, appointment of by President	2	2	2
Of House, how chosen	1	2	5
Of Senate, how appointed	1	3	5
Of Militia, appointed by States	1	8	15
PAPERS, unreasonable searches and seizures of	4	Am.	
PARDONS, President may grant except on impeachment	2	2	1
PEOPLE, right of to bear arms not to be abridged	2	Am.	
To be secure against unreasonable searches and seizures	4	Am.	
Powers not delegated, or forbidden to the States, reserved	10	Am.	
Rights retained not to be disparaged	9	Am.	
PETITION, right of not to be abridged	1	Am.	
PIRACY, Congress to define and punish	1	8	9
POST-OFFICES, and roads, Congress to establish	1	8	7
POWERS, legislative, vested in Congress	1	1	1
Executive, in the President	2	1	1
Judicial, in Supreme and inferior Courts	3	1	1
How limited	11	Am.	
Of Congress	1	8	
To grant reprieves and pardons	2	2	1
To make treaties and appointments	2	2	2
To fill vacancies in certain cases	2	2	3
Not delegated or prohibited, reserved	10	Am.	1
PRESIDENT of the United States, must be a native born citizen	2	1	5
Election of	2 1 3	12	Am. 1
Oath of office to be taken	2	1	8
Term of office of	2	1	1
Compensation of	2	1	7
Vested with the executive power	2	1	1
To communicate by message to Congress	2	3	1
May convene and adjourn Congress, when	2	3	1
To approve or veto bills	1	7	2
Orders and resolutions	1	7	3
To be Commander-in-Chief of army and navy and militia, when in service	2	2	1
May grant pardons	2	2	1
Make treaties	2	2	2
Nominate to office	2	2	2
Fill vacancies	2	2	3
To receive foreign Ambassadors	2	3	1
May require opinions from departments	2	2	1
To see that the laws are enforced	2	3	1
To commission officers of the United States	2	3	1
May be impeached and removed	2	4	1

	ARTICLE	SECTION	CLAUSE
PRESIDENT OF SENATE, Vice President to be.....	1	3	4
To vote only in case of a tie.....	1	3	4
President <i>pro tem.</i> , to be chosen—powers of.....	1	3	5
PRESS, freedom of not to be abridged.....	1	Am.	
PRIZES CAPTURED, Congress to make rules. etc.....	1	8	10
PRIVATE PROPERTY, taken for public use, compensation....	5	Am.	
PROCEEDINGS OF CONGRESS, journal of	1	5	3
PROOF, of public acts, records, etc.....	4	1	1
PROPERTY OF UNITED STATES, Congress to dispose of....	4	3	2
Of citizens, unreasonable seizure of, prohibited....	4	Am.	
Not to be taken without due process.....	5	Am.	
PROSECUTION, for criminal offences, regulations.....	6	Am.	
PROTECTION, of the law, no State to deny.. ..	14	Am.	1
PUBLIC ACTS, records, etc., faith and credit to.....	4	1	1
PUBLIC DEBT, validity of not to be questioned.....	14	Am.	4
PUBLIC USE, of private property, compensation for.....	5	Am.	
PUNISHMENT, for disorderly conduct in Congress.....	1	5	2
In case of impeachment.....	1	3	7
For counterfeiting coin, etc.....	1	8	6
For piracy and felonies on high seas, etc.....	1	8	9
For treason.....	3	3	2
Cruel and unusual not to be inflicted.....	8	Am.	
QUARTERING, soldiers on citizens, prohibited when.....	3	Am.	
QUORUM, of each House, majority is.....	1	5	1
For election of President and Vice-President.....	12	Am.	1
RACE, COLOR, rights of citizens not to be abridged for.....	15	Am.	1
RATIFICATION, of the Constitution.....	7		1
Of amendments to.....	5		1
RATIO of representation, how apportioned.....	14	Am.	2
REBELLION, persons engaging in, disqualified, etc.....	14	Am.	3
Debts contracted on account of.....	14	Am.	4
RECEIPTS AND EXPENDITURES, of public money, state- ments to be made and published.....	1	9	6
RECONSIDERATION of bills vetoed.....	1	7	2
RECORDS and judicial proceedings, faith and credit to be given to.....	4	1	1
RELIGION, Congress to make no law respecting.....	1	Am.	
REPRESENTATIVES, how apportioned..... 1 2 3	14	Am.	2
House of, judge of election and returns, etc.....	1	5	1
• Majority a quorum.	1	5	1
Less number may adjourn.....	1	5	1
May compel attendance of Members.....	1	5	1
Make rules of proceedings.....	1	5	2
Punish and expel Members.....	1	5	2
Keep and publish a journal.....	1	5	3
Yeas and nays, when taken.....	1	5	3
Not to adjourn for more than three days, etc.....	1	5	4
Compensation of Members.....	1	6	1
Term of office.....	1	2	1
Privilege from arrest when.....	1	6	1
Not to be questioned for speech or debate.....	1	6	1
Not to be appointed to or hold other office.....	1	6	2
Oath of office.....	6		3
Disloyalty, disqualifies, etc.....	14	Am.	3

	ARTICLE	SECTION	CLAUSE
REPRIEVES, and pardons, President may grant.....	2	2	1
REPRISALS, letters of, and marque, Congress may grant.....	1	8	10
States prohibited from granting.....	1	10	1
REPUBLICAN form of government guaranteed to States.....	4	4	1
RESERVED rights, retained by people.....	9	Am.	
Powers not granted or denied to States, reserved... ..	10	Am.	
RESIGNATION of President, etc., Vice President acts.....	2	1	6
Of Senators, how vacancy supplied.....	1	3	2
RESOLUTION, order, etc., requires approval when.....	1	7	3
REVENUE, bills of, to raise, to originate in House.....	1	7	1
RIGHT, of petition.....	1	Am.	
Of security of person and property, etc.....	4	Am.	
Of persons accused of crime.....	6	Am.	
Of trial by jury.....	7	Am.	
RULES of proceedings in Congress, how determined.....	1	5	2
SEARCHES and seizures, unreasonable prohibited.....	4	Am.	
SENATE, composed of two Senators from each State.....	1	3	1
Judge of election and returns, etc.....	1	5	1
Vice President, President of.....	1	3	4
President <i>pro tem.</i> of.....	1	3	5
To determine rules of proceedings.....	1	5	2
To keep and publish journal.....	1	5	3
Power to punish and expel Members.....	1	5	2
To try all impeachments.....	1	3	6
To advise treaties and appointments to office.....	2	2	2
States to have equal suffrage in.....	5		1
May choose Vice President.....	12	Am.	2
SENATOR, qualifications of.....	1	3	3
Term of office of.....	1	3	3
Time and manner of choosing.....	1	4	1
How appointed to fill vacancy.....	1	3	2
Oath of office.....	6		3
Compensation of.....	1	6	1
Each Senator to have one vote.....	2	3	1
Privilege from arrest, when.....	1	6	1
SENATORS not to be questioned for speech or debate.....	1	6	2
Not to hold or be appointed to other office.....	1	6	2
Not to be chosen Elector.....	2	1	2
Disloyalty disqualifies, etc.....	14	Am.	
SERVITUDE, rights not to be denied for previous condition of	15	Am.	
Involuntary except for crime, prohibited.....	13	Am.	1
SHIPS of war not to be kept by States, when.....	1	10	2
SILVER and gold only, to be made legal tender by States.....	1	10	1
SLAVES, no payment for loss or emancipation of.....	14	Am.	4
SLAVERY prohibited.....	13	Am.	1
SOLDIERS, in time of peace not to be quartered, etc.....	3	Am.	
SPEAKER and Officers of House, choosing.....	1	2	5
SPEECH—PRESS, freedom of not to be abridged.....			
STATES, entitled to representation in House.....	1	2	3
Two Senators from each.....	1	2	1
Not to be deprived of equal suffrage in Senate.....	5		1
To regulate election of Senators and Representatives	1	4	1

	ARTICLE	SECTION	CLAUSE
STATES, To fill vacancies in Senate by appointment, when...	1	3	2
In House, by election.....	1	2	4
Oath to legislators, executive and judicial officers, of	6		3
Powers not delegated or prohibited to, reserved....	10	Am.	
Citizens, privileges and immunities of.....	4	2	1
Congress to regulate commerce between.....	1	8	3
To prescribe mannner of proving records of...	4	1	1
To admit new States.....	4	3	1
Not to form new State within another.....	4	3	1
Nor from parts of other States, except, etc....	4	3	1
Right to Republican form of government.....	4	4	1
To protection from invasion.....	4	4	1
And from domestic violence.....	4	4	1
To choose Electors.....	2	1	2
To appoint officers for and train militia.....	1	8	15
Not to be sued.....	11	Am.	
To propose and ratify Amendments to Constitution.	5		1
Prohibited from making treaties, etc.....	1	10	1
Granting letters of marque.....	1	10	1
Coining money.....	1	10	1
Emitting bills of credit.....	1	10	1
Making other than gold and silver legal tender..	1	10	1
Passing bills of attainder.....	1	10	1
<i>Ex-post-facto</i> laws.....	1	10	1
Laws impairing obligation of contracts.....	1	10	1
Granting titles of nobility.....	1	10	1
Laying duties, except, etc.....	1	10	2
Keeping troops and ships of war.....	1	10	2
From making agreements with other States....	1	10	2
Engaging in war.....	1	10	2
Paying claims for slaves.....	14	Am.	4
Or debts incurred to aid rebellion.....	14	Am.	4
Exports from, not to be taxed.....	1	9	5
No preference to be given to ports of any.....	1	9	5
Faith and credit to be given to acts, etc., of.....	4	1	1
Shall deliver up fugitives from justice.....	4	2	2
SUPREME COURT, appointment of Judges.....	2	2	2
Compensation and tenure of office of.....	3	1	1
Original and Appellate jurisdiction.....	3	2	2
SUPREME LAW of the land, what.....	6		2
TAX, Congress may impose.....	1	8	1
Not to be laid on exports.....	1	9	5
Capitation and direct taxes, how laid.....	1	9	4
Direct tax, how apportioned.....	14 Am. 2	1	2
TENDER, what legal for debts, etc.....	1	10	1
TERRITORY, Congress to make needful rules for.....	4	3	2
TEST, no religious test to be required.....	6		3
TITLE OF NOBILITY, Congress not to grant.....	1	9	9
Nor to be accepted without consent of Congress....	1	9	7
Nor to be granted by States.....	1	10	1
TONNAGE DUTY, States not to impose.....	1	10	2
TREASON against United States defined.....	3	3	1
Conviction for, when.....	3	3	1

	ARTICLE	SECTION	CLAUSE
TREASON, Congress to declare punishment.....	3	3	2
Removal from office for.....	2	4	1
TREASURY, money drawn on appropriations only.....	1	9	6
TREATIES, President to make, with advice, etc.....	2	2	2
States not allowed to make.....	1	10	1
Judicial power extends to.....	3	2	1
Part of the supreme law.....	6		2
TRIAL, by jury.....6 Am. 7 Am.	3	2	3
Of impeachments.....	1	3	6
TRIBUNALS, inferior, Congress may create.....	1	8	9
TROOPS, States not to keep them.....	1	10	2
VACANCIES, in office of President.....	2	1	6
In case of Representatives in Congress.....	1	2	4
In the Senate.....	1	3	2
Occurring during recess of Senate	1	2	3
VETO, power of President to exercise.....	1	7	2
VICE PRESIDENT, term of office of.....	2	1	1
Who eligible to office.....2 1 5	12	Am.	3
To be President of Senate.....	1	3	4
To vote only in case of a tie.....	1	3	4
To preside at Electoral Count.....12 Am. 1	2	1	3
Impeachment of.....	2	4	1
Removal, death, resignation, inability of.....	2	1	6
When to be chosen by Senate.....	12	Am.	2
To discharge the duties of President...12 Am. 1	2	1	6
VOTE, right of citizens to, not to be abridged.....	15	Am.	1
By yeas and nays in Senate and House, when...1 7 2	1	5	3
By Electors of President.....3 1 3	12	Am.	1
In House, when by States.....	12	Am.	1
WAR, Congress has power to declare.....	1	8	10
Levying against United States, treason.....	3	3	1
States not to engage in.....	1	10	2
WARRANTS to arrest-probable cause-oath, etc	4	Am.	
WEIGHTS AND MEASURES, Congress to regulate.....	1	8	5
WELFARE, general and common defense.....	1	8	1
WITNESSES, accused to be confronted by.....	6	Am.	
To have compulsory process for.....	6	Am.	
Accused not required to be against himself.....	5	Am.	
Required for conviction of treason.....	3	3	1
YEAS AND NAYS, in Senate and House when.....	1	5	3
On bill vetoed.....	1	7	2
On vote for President.....3 1 3	12	Am.	1

AN ACT TO ESTABLISH A TERRITORIAL GOVERNMENT FOR UTAH.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That all that part of the territory of the United States included within the following limits, to wit: bounded on the west by the State of California, on the north by the Territory of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, be, and the same is hereby created into a temporary government by the name of the Territory of Utah; and, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their Constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 2. And be it further enacted: That the executive power and authority in and over said Territory of Utah shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within the said Territory, shall be Commander-in-Chief of the Militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs, and shall approve all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons for offences against the laws of said Territory, and reprieves for offences against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall

be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. And be it further enacted: That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the law and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and at the same time two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation, or other necessary absence of the Governor from the Territory, the secretary shall have, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

SEC. 4. And be it further enacted: That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members,* having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and House of Representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in and be inhabitants of the district for which they may be elected respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts for the Territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each

* See post page ; part of chap. 329, 20 U. S. St. at Law, p. 193.

of the counties or districts shall be entitled under this act. The number of persons authorized to be elected having the highest number of votes in each said Council districts, for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the person or persons authorized to be elected having the highest number of votes for the House of Representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor to be duly elected members of the House of Representatives: *Provided*, that in case of a tie between two or more persons voted for, the Governor shall order a new election to supply the vacancy made by such a tie. And the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the governor shall appoint; but thereafter, the time, place and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, that no one session shall exceed the term of forty days.

SEC. 5. And be it further enacted: That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, that the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February second, eighteen hundred and forty-eight.

SEC. 6. And be it further enacted: That the legislative power of said Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the Legislative Assembly and Governor shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect.

SEC. 7. And be it further enacted: That all township, district, and county officers, not herein otherwise provided for, shall be ap-

pointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Utah. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly, and shall lay off the necessary districts for members of the Council and House of Representatives, and all other offices.

SEC. 8. And be it further enacted: That no member of the Legislative Assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 9. And be it further enacted: That the judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace. The Supreme Court shall consist of a Chief Justice and Two Associate Justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such time and place as may be prescribed by law; and the judges shall after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: *Provided*, that justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts respectively shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the registrar in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law;

but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decision of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witnesses, shall exceed one thousand dollars, except only, that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal, shall also be allowed to the Supreme Court of the United States, from the decisions of the said supreme court created by this act, or of any judge thereof, upon any writ of *habeas corpus* involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of *habeas corpus* in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeal, in all such cases, shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Oregon Territory now receive for similar services.

SEC. 10. And be it further enacted: That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Oregon. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the marshal of the district court of the United States for

the present Territory of Oregon, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 11. And be it further enacted: That the Governor, secretary, chief justice and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned or qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and one thousand dollars as Superintendent of Indian Affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the Governor to defray the contingent expenses of the Territory. There shall also be appropriated annually a sufficient sum to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United

States for the manner in which the aforesaid sum shall have been expended.

SEC. 12. And be it further enacted: That the Legislative Assembly of the Territory of Utah shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory, at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly. And the sum of twenty thousand dollars, out of any money in the Treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Utah to be applied by the Governor and Legislative Assembly to the erection of suitable public buildings at the seat of government.

SEC. 13. And be it further enacted: That a Delegate to the House of Representatives of the United States to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such time and place, and be conducted in such manner as the governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly: *Provided*, that said delegate shall receive no higher sum for mileage than is allowed by law to the delegate from Oregon.

SEC. 14. And be it further enacted: That the sum of five thousand dollars be, and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended by and under the direction of the said Governor of the Territory of Utah, in the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal and attorney of said Territory, and such other persons and under such regulations as shall be prescribed by law.

SEC. 15. And be it further enacted: That when the lands in said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in in each township in said Territory shall be, and the same are hereby reserved for the purpose of being

applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 16. And be it further enacted: That temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 17. And be it further enacted: That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same, or any provision thereof, may be applicable.

Approved September 9, 1850.

PROVISIONS

OF THE

UNITED STATES STATUTES

RELATING TO TERRITORIES, INCLUDING UTAH.

PROVISIONS COMMON TO ALL THE TERRITORIES.

[REVISED STATUTES OF THE UNITED STATES, PP. 326—342.]

SECTION.*

1839. Right of Indians in person and property not impaired by this title, etc., boundaries, etc.
 1840. Authority to regulate Indians.
 1841. Executive power.
 1842. Veto power.
 1843. Secretary.
 1844. Secretary's duties.
 1845. Salaries of governors and secretaries.
 1846. Legislative power.
 1847. Census and elections.
 1848. Time and place of holding elections.
 1849. Apportionment.
 1850. Laws to be submitted to Congress.
 1851. Extent of legislative power.
 1852. Limit of time of sessions.
 1853. Compensation of members.
 1854. Members of Legislature prohibited from holding certain offices.
 1855. Prohibition of extra compensation to certain officers.
 1856. Election of justices of the peace and militia officers.
 1857. Other officers.
 1858. Vacancies, how filled.

SECTION.

1859. Qualifications of voting and holding office at first election.
 1860. At future elections.
 1862. Delegate to Congress.
 1863. Time, places, and manner of electing delegate.
 1864. Supreme courts of Territories.
 1865. Judicial districts and courts.
 1866. Jurisdiction of courts.
 1867. Jurisdiction of justices of the peace.
 1868. Chancery and common-law jurisdiction.
 1869. Appellate jurisdiction of supreme court.
 1870. Clerk of supreme court.
 1871. Clerk of district court.
 1872. Register in chancery, residence and office.
 1873. Judicial districts; how defined.
 1874. Judges of supreme court to hear certain causes.
 1875. District attorney.
 1876. Marshals.
 1877. Appointment of Governor, etc.
 1878. Oath of office; how qualified.
 1879. Salaries of justices.
 1880. Salary of attorney.
 1881. Salary of marshal.

* These section numbers are taken from the United States Revised Statutes.

SECTION.	SECTION.
1882. When salaries to be paid.	1912. Writ of habeas corpus.
1883. Fees of clerk, etc.	1913. Territory may modify judicial district.
1884. Salary not to be paid when officer is absent.	1916. Governor to assign judges to districts.
1885. Seat of government in a new Territory.	1935. Contingent expenses of Territory
1886. Accounts of the Territories; no payments unless approved by Congress.	1939. Expense of printing laws.
1887. Limitation on expenses of printing.	1942. Mileage of members of Territorial Legislature.
1888. Limitation on expenses of Legislature.	1944. Seat of government may be changed by Territorial Legislature.
1889. Legislature not to grant special charters.	1946. School lands in Territory.
1890. Limitation on right of religious corporations to hold real estate.	1953. Library for the Territory.
1891. Constitution and laws of United States made applicable to all the Territories.	5278. Fugitives from justice.
1892. Penitentiaries.	5279. Penalty for resisting agent.
1893. Rules for their government.	25. Time of election for Delegate.
1894. Payment of marshal, etc., and of expenses of subsistence, etc., of offenders.	26. Vacancies.
1895. Imprisonment in penitentiaries.	5511. Fraudulent voting at election for Delegate.
1897. Boundaries of Utah Territory.	5512. Fraudulent registration, etc.
1907. Judicial power, how vested.	5513. What deemed a registration under last section.
1909. Writs of error and appeals to United States Supreme Court.	5514. Voting or offering to vote in certain cases prima facie evidence.
1910. Jurisdiction of district courts.	5515. Violation of duty of officers of election.
	5389. Circulation of obscene literature
	5539. United States convicts in State or Territorial jails and penitentiaries.

Rights of
Indians not
affected by es-
tablishing Ter-
ritorial bound-
aries.

SEC. 1839. Nothing in this title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory, but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

Authority of
United States
to regulate
Indians not
affected.

SEC. 1840. Nor shall anything in this title be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

SEC. 1841. The executive power of each Territory shall be vested in a Governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be Commander-in-Chief of the Militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offences against the laws of the Territory for which he is appointed, and respites for offences against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

Executive power of Territory vested in Governor, the power and duties.

SEC. 1842. Every bill which has passed the Legislative Assembly of any Territory shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house. If any bill is not returned by the Governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislative Assembly, by adjournment *sine die*, prevent its return, in which case it shall not be a law, *Provided*, That so much of this section as provides for making any bill passed by the Legislative Assembly of a Territory a law, without the approval of the Governor, shall not apply to the Territories of Utah and Arizona.

Veto power.

SEC. 1843. There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of death, removal,

Territorial Secretary.

resignation, or absence of the Governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another Governor is appointed and qualified.

Duties of Secretaries of Territories.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the Legislative Assembly, and all the acts and proceedings of the Governor in the executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each year, to the President. He shall prepare the acts passed by the Legislative Assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

Territorial Secretaries to furnish annual estimates to Secretary of Treasury
June 20, 1874.

And hereafter it shall be the duty of the secretary of each Territory to furnish estimates in detail for the lawful expenses thereof, to be presented to the Secretary of the Treasury on or before the first day of October of every year.

Salaries of Governor and Secretary.

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several Territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

Legislative power of Territories.

SEC. 1846. The legislative power in each Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The members of both branches of the Legislative Assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective Legislative Assemblies shall be biennial. Each Legislative Assembly shall fix by law the day of the commencement of its regular sessions. The members of the Council and of the House of Representatives shall reside in the district or county for which they are respectively elected.

Extra sessions of Legislature.
June 22, 1874.

Hereafter no extraordinary session of the legislature of any Territory, wherever the same is now authorized by law,

shall be called until the reasons for the same have been presented to the President of the United States, and his approval thereof has been duly given.

* * * * *

SEC. 1847. Previous to the first election for members of the Legislative Assembly of a Territory in which Congress may hereafter provide a temporary government, the Governor shall cause a census of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the Governor may direct; and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts is entitled under the act providing such temporary government for the particular Territory. The person having the highest number of legal votes in each of the districts for members of the Council shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives shall be declared by the Governor to be duly elected members of that House; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor appoints.

Census and election.

SEC. 1848. After such first election, however, the time, place and manner of holding elections by the people in any newly-created Territory, as well as of holding such elections in Territories now organized, shall be prescribed by the laws of each Territory.

Time and place of holding elections.

SEC. 1849. The apportionment of representation, which the Governor is authorized to make by section eighteen hundred and forty-seven, in the case of a Territory hereafter erected by Congress, shall be as nearly equal as practicable among the several districts and counties for such election of the Council and House of Representatives, giving to each section

Apportionment.

of the Territory representation in the ratio of its population, except Indians not taxed, and thereafter in such new Territory, as well as in all Territories now organized, the Legislative Assemblies, respectively, may readjust and apportion the representation to the two houses thereof, among the several counties and districts, in such manner, from time to time, as they deem just and proper; but the number of either house, as authorized by law, shall not be increased.

Laws to be submitted to Congress.

SEC. 1850. All laws passed by the Legislative Assembly and Governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

Extent of legislative power.

SEC. 1851. The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Limit of legislative sessions
Dec. 23, 1880.

SEC. 1852. The sessions of the Legislative Assemblies of the several Territories of the United States shall be limited to sixty days' duration.

Compensation of members.
June 19, 1878.

SEC. 1853. The members of each branch of the several Territorial Legislatures shall receive a compensation of four dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law; *Provided*, That the President of the Council and the Speaker of the House of Representatives shall each receive a compensation of six dollars per day.

Members of the Legislature prohibited from holding certain offices.

SEC. 1854. No member of the Legislative Assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of

any Territory. The exception of postmasters shall not apply in the Territory of Washington.

SEC. 1855. No law of any Territorial Legislature shall be made or enforced by which the Governor or secretary of a Territory, or the members or officers of any Territorial Legislature are paid any compensation other than that provided by the laws of the United States.

Prohibition of extra compensation to certain officers.

SEC. 1856. Justices of the peace and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective Legislatures may provide by law.

Election of justices of the peace and militia officers.

SEC. 1857. All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the Governor and Legislative Assembly of each Territory; and all other officers not herein otherwise provided for, the Governor shall nominate, and by and with the advice and consent of the Legislative Council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the Governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the Legislative Assembly.

Other officers.

SEC. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the Legislative Council, in any office which, under the Organic Act of any Territory is to be filled by appointment of the Governor, by and with the advice and consent of the Council, the Governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislative Council.

Vacancies how filled.

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

Qualifications of voting and holding office at first election.

SEC. 1860. At all subsequent elections, however, in any

At future elections.

Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the Legislative Assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the Legislative Assembly, namely:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the Constitution and Government of the United States.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

Delegate to
Congress.

SEC. 1862. Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the Legislative Assembly thereof. The person having the greatest number of votes shall be declared by the Governor duly elected, and a certificate shall be given accordingly. Every such delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

Time, places
and manner of
electing dele-
gate.

SEC. 1863. The first election of a delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the Governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a delegate in organized Territories, such time, places, and manner of holding the election shall be prescribed by the law of each Territory.

SEC. 1864. The Supreme Court of every Territory shall ^{Supreme Court} consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed. (1)

SEC. 1865. Every Territory shall be divided into three ^{Judicial districts and courts.} judicial districts; and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law (2) and each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 1866. The jurisdiction, both appellate and original, ^{Jurisdiction of courts.} of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

SEC. 1867. No justices of the peace in any Territory ^{Jurisdiction of justices of the peace.} shall have jurisdiction of any case in which the title to land, or the boundary thereof, in any wise comes in question.

SEC. 1868. The supreme court and the district courts, ^{Chancery and common law jurisdiction.} respectively, of every Territory, shall possess chancery as well as common law jurisdiction.

SEC. 1869. Writs of error, bills of exception, and ^{Appellate jurisdiction of Supreme Court} appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme courts of all the Territories, respectively, under such regulation as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in that court.

SEC. 1870. The supreme court of each Territory shall ^{Clerk of Supreme Court.} appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

SEC. 1871. Each judge of the supreme court of the res- ^{Clerk of District Court.} pective Territory shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and

(1) In this Territory, by act of Congress approved June 23, 1874, two terms of the supreme court must be held each year.

(2) By act of Congress approved June 23, 1874, four terms of the district court must be held in each district in this Territory.

only such district clerk shall be entitled to a compensation from the United States.

Register in
chancery—
residence and
office.

SEC. 1872. Every district clerk shall be also the register in chancery, and shall reside and keep his office at the place where the court is held.

Judicial dis-
tricts how de-
fined.

SEC. 1873. Temporarily, and until otherwise provided by law, the Governor of every Territory which may be hereafter established shall define, by proclamation, the judicial districts of such Territory and assign the judges appointed for such Territory to the several districts as well as fix the times and places for holding courts in the respective counties or sub-divisions of each judicial district.

Judges of Su-
preme, where
to hold District
Courts, under
laws of Terri-
tory.

SEC. 1874. The judges of the supreme court of each Territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the Territory, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the Territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

District Attor-
neys.

SEC. 1875. There shall be appointed in each Territory a person learned in the law, to act as Attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President.

Marshal.

SEC. 1876. There shall be appointed a marshal for each Territory. He shall execute all process issuing from the Territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President.

Appointment
of Governor,
etc.

SEC. 1877. The Governor, secretary, chief justice, and associate justices, attorney, and marshal of every Territory shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President.

Oath of office.

SEC. 1878. The Governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge or some justice of the peace in the

limits of the Territory for which they were appointed, duly authorized to administer oaths by the laws in force therein, or before the chief justice, or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oath shall be certified by the person before whom the same are taken; and such certificate shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified and recorded in such manner and form as may be prescribed by the law of each Territory.

SEC. 1879. The annual salary of the chief justice and associate justices of all the Territories now organized shall be three thousand dollars each. Salaries of justices.

SEC. 1880. The salary of the attorney of the United States for each Territory, shall be at the rate of two hundred and fifty dollars annually. Salary of attorney.

SEC. 1881. The salary of the marshal of the United States for each Territory, shall be at the rate of two hundred dollars a year. Salary of marshal.

SEC. 1882. The salaries provided for in this Title, to be paid to the governor, secretary, chief justice and associate justices, district attorney, and marshal of the several Territories, shall be paid quarter-yearly at the Treasury of the United States. Salary when to be paid.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts; and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter sixteen, title "THE JUDICIARY," and no other compensation shall be taxed or allowed. Fees of clerk etc.

SEC. 1884. When any officer of a Territory is absent

Salaries not to be paid when officers absent.

therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

Seat of government.

SEC. 1885. The Legislative Assembly of every Territory hereafter organized shall hold its first session at such time and place in the Territory as the Governor thereof shall appoint and direct; and at the first session of the Legislative Assembly, or as soon thereafter as it may be deemed expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for the Territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the Governor and Legislative Assembly.

Accounts for disbursements in Territory.

No payment to be made until object approved by Congress.

SEC. 1886. All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the Legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the Treasury. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the Legislature of a Territory shall be held until the appropriation for its expenses has been made.

Limitation on expense of printing.

SEC. 1887. Hereafter no expense for printing, exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature shall be incurred for any session of the Legislature of any of the Territories.

Limitation on expense of legislation.

SEC. 1888. No Legislative Assembly of a Territory shall, in any instance, or under any pretext, exceed the amount appropriated by Congress for its annual expenses.

Legislatures of Territories not to grant private charters, but may pass general incorporation acts.

SEC. 1889. The Legislative Assemblies of the several Territories shall not grant private charters, or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, banking, manufacturing, or other industrial pursuits, or the construction and operation of railroads, wagon-

roads, canals, or irrigating ditches, and the colonization and improvement of lands, in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association.

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the Territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

Limitation on right of religious corporations to hold real estate.
March 3, 1885.

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere in the United States.

Constitution and laws of the United States extended to Territories.

SEC. 1892. Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or district in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming, and Colorado.

Penitentiaries.

SEC. 1893. The Attorney General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the Attorney General.

Rules for their government.

SEC. 1894. The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

Payment of expenses.

Imprisonment
in peniten-
tiaries.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offence against the laws of the United States. (1)

Boundaries of
Utah Territory

SEC. 1897. All that part of the territory of the United States included within the following limits, to-wit: Bounded on the west by the State of California, on the north by the State of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, is created into a temporary government by the name of the Territory of Utah. (2)

Judicial power
—how vested.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana, and Wyoming, shall be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace.

Appellate
jurisdiction of
Supreme
Court of
United States
in Territorial
cases.

SEC. 1909. Writs of error and appeals from the final decisions of the supreme courts of either of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, shall be allowed to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme courts created by this title, or of any judge thereof, or of the district courts created by this title, or of any judge thereof, upon writs of *habeas corpus* involving the question of personal freedom.

Jurisdiction of
District Courts

SEC. 1910. Each of the district courts in the Territories mentioned in the preceding section shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in

(1) See act of Feb. 23, 1887, post Section 17 of "Additional and Later Legislation," etc.

(2) A mistake, evidently occasioned by copying the original boundary of the Territory into the revision.

the circuit and district courts of the United States; and the first six days of every term of the respective district courts or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such Constitution and laws; but writs of error and appeals in all such cases may be had to the supreme court of each Territory as in other cases.

SEC. 1912. The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of *habeas corpus* in all cases in which the same are grantable by the judges of the United States in the District of Columbia. Habeas corpus

SEC. 1913. The Legislative Assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona and Wyoming Territories, respectively, may organize, alter, or modify, the several judicial districts thereof, in such manner as each Legislative Assembly deems proper and convenient. Territorial Legislatures may organize and change judicial districts.

SEC. 1916. The Governor of Utah Territory shall assign the district judges of that Territory to their respective districts, and appoint the time and place of holding court in each of such districts, not exceeding two terms in each district in any one year. (1) Assignment of judges to districts.

SEC. 1935. There shall be appropriated, annually, one thousand dollars, to be expended by the respective Governors, to defray the contingent expenses of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, including the salary of the clerk in the executive department of those Territories. Appropriation to be made for contingent expenses.

SEC. 1939. There shall be appropriated, respectively, for the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming, annually, a sufficient sum, to be expended by the secretary of each Territory herein named, upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the Legislative Assembly and other incidental expenses; and the Secretary of each Territory above specified, shall annually account to the Secretary of the Treasury for the manner in which such sum has been expended. Appropriation to be made for printing laws. Section 9, Organic Act.

SEC. 1942. The members of the Legislative Assemblies of New Mexico, Utah, Washington, Colorado, Dakota,

(1) An act of Congress approved June 23, 1874, provides that there shall be four terms of the district court in each judicial district, each year.

Mileage of
members of
Legislative
Assembly.
Section II, Or-
ganic Act.

Arizona, and Wyoming Territories shall each receive three dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

Seat of gov-
ernment, how
changed.

SEC. 1944. The seat of government of the Territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming may be changed by the Governors and Legislative Assemblies thereof, respectively.

School sec-
tions of land.

SEC. 1946. Sections numbered sixteen and thirty-six, in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, shall be reserved for the purpose of being applied to schools in the several Territories herein named, and in the States and Territories hereafter to be erected out of the same.

Library.

SEC. 1953. The libraries hereafter purchased by appropriations of Congress for the Territories of Utah and Washington shall be kept at the respective seats of government of those Territories for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal, and attorney of each Territory, and such other persons and under such regulations as may be prescribed by law.

EXTRADITION.

SEC. 5278. Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found, or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months, from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

SEC. 5279. Any agent so appointed who receives the fugitive into his custody, shall be empowered to transport him to the State or Territory from which he has fled. And every person who, by force, sets at liberty, or rescues the fugitive from such agent while so transporting him, shall be fined not more than five hundred dollars, or imprisonment not more than one year.

ELECTION OF DELEGATES TO CONGRESS.

Time of elec-
tion of
Delegate.
Feb. 2, 1872,
c 11, s 3, v 17,
p 28, March 3,
1875, c 130, s 6,
v 18, p 400.

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter.

Vacancies.
Feb. 2, 1872,
c 11, s 4, v 17,
p 29.

SEC. 26. The time for holding elections in any State, District or Territory, for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories, respectively.

Fraudulent
voting, etc., at
election of
Representa-
tive or Dele-
gate in Con-
gress.

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory from freely exercising the right of suffrage; or by any such means induces any voter to refuse to exercise such right; or compels, or induces, by any such means, any officer of an election, in any such State or Territory, to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of

his duties; or by any such means, or other unlawful means, induces any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the votes of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote; or aids, counsels, procures, or advises any such voter, person or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempts to do so, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

U. S. vs Souden, 2 Abb. C C 456.

U. S. vs Hendrie, 2 Sawyer, 476-479.

U. S. vs Johnson, 2 Sawyer, 482.

U. S. vs Anthony, 11 Blatch., 200.

U. S. vs O'Neil, 2 Sawyer, 481.

SEC. 5512. If, at any registration of voters for any election for Representative or Delegate to the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels, or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty, or any law regulating the same; or if any such officer knowingly and wilfully registers as a voter any person not entitled to be registered, or refuse to register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing or declaring the result thereof, or in giving or making any certificate, document or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law,

Fraudulent registration, etc.,

Feb. 28, 1878, c 99, s 1, v 16, p 463.

May 21, 1870, c 114, s 20, v 16, p 145.

U. S. vs Quinn, 8 Blatch., 48.

U. S. vs Hirschfield, 13 Blatch, 330.

Harrison vs Hadley, 2 Dill, 229.

or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section.

What deemed
a registration
under the last
section.

SEC. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election.

Voting or of-
fering to vote
in certain
cases *prima*
facie evidence.

SEC. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained, or any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, Territorial, municipal, or local officers, it shall be deemed sufficient *prima facie* evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offences denounced in this chapter with reference to such ticket or ballot.

Violation of
duty by officers
of election.

SEC. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether such office of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law, or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any

U. S. vs Clay-
ton, 19 Am L.
Rep., 737.
U. S. vs 2 Clay-
ton, Dill, 219.
Harrison vs
Hadley, 2 Dill,
229.

certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section fifty-five hundred and ten [eleven].

CIRCULATION OF OBSCENE LITERATURE.

SEC. 5389. Every person who, within the District of Columbia, or any of the Territories of the United States, or other place within the exclusive jurisdiction of the United States, sells, or lends, or gives away, or in any manner exhibits, or offers to sell, or to lend, or to give away, or in any manner to exhibit, or otherwise publishes or offers to publish in any manner, or has in his possession, for any such purpose, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation figure, or image on or of paper or other material, or any cast, instrument, or other articles of an immoral nature, or any drug or medicine, or any article whatever, for the prevention or conception, or for causing unlawful abortion, or who advertises the same for sale, or writes, or prints, or causes to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how or whom, or by what means any of the articles in this section hereinbefore mentioned, can be purchased or obtained, or manufactures, draws, or prints, or in anywise makes any of such articles, shall be imprisoned at hard labor

in the penitentiary for not less than six months nor more than five years for each offence, or fined not less than one hundred dollars, nor more than two thousand dollars, with costs of court.

UNITED STATES CONVICTS IN STATE OR TERRITORIAL JAILS OR PENITENTIARIES.

United States
convicts in
State or Terri-
torial jails or
penitentiaries.

SEC. 5539. Whenever any criminal, convicted of any offence against the United States, is imprisoned in the jail or penitentiary of any State or Territory, such criminal shall, in all respects, be subject to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which such jail or penitentiary is situated; and while so confined therein, shall be exclusively under the control of the officers having charge of the same, under the laws of such State or Territory.

ADDITIONAL

AND

LATER LEGISLATION BY CONGRESS

(Sections arbitrarily numbered for reference.)

SECTION.

- 1 Legislature: members and pay-ment.
- 2 Division of Territory into Council and Representative Districts.
- 3 Subordinate officers of each branch of Legislature, number of and pay prescribed.
- 4 Secretary Territory; fees may be prescribed in certain cases. Public printing not to exceed \$2,500.
- 5 Cities; towns; municipal corporations: Legislature may create and confer certain privileges; legislative acts in relation thereto confirmed; private rights, how affected.
- 6 Salaries of Territorial officers appointed by the President, when to commence. Oath of office, where administered.
- 7 Institutions of learning, alcohol may be withdrawn in favor of without payment of tax.
- 8 Arms, distribution, how made to the Territories; Governor's requisition for; what conditions to be shown. Amount arms and ammunition. Appropriation for arms, ammunition, stores, etc.; apportioned among the militia of the States and Territories. The serviceable arms, etc., how disposed of.
- 9 Alien persons or corporations prohibited from acquiring real estate in the Territories.

SECTION.

- 10 Lands granted to railroad corporations not exempt from the taxation of surveyed. Proviso, lands sold for taxes subject to lien for cost of surveying, etc. Lands opposite completed portions of roads only affected. United States may become preferred purchasers. Costs of surveying how collected. Right of Government to forfeit not affected. U. P. lands, costs of surveying, how collected.
- 11 Pacific Railroad grants.
- 12 Salt Lake & Fort Douglas; Oregon Short Line; Utah & Northern Railways, acts creating, etc.
- 13 Cemetery, an act creating, etc.; Fort Douglas Reservation.
- 14 Justice of peace in Territories; to fill vacancies; how appointed.
- 15 Colleges, agricultural and mechanic, land donations for the same; proceeds of sale of lands to be invested, etc.; interest.
- 16 Restrictions on Territorial legislation.
- 17 Defendant to criminal cases may be a witness.
- 18 Convicts under Federal laws.
- 19 Territorial courts and appeals.
- 20 Poland Bill.
- 21 Anti-Polygamy Act, 1862.
- 22 Edmunds Law, 1882.
- 23 Edmunds-Tucker Law, 1887.
- 24 Naturalization Law.

SECTION I.

Number and pay of members of Territorial Legislatures prescribed.
R. S., ss 1846, 1853, 1922.
1879, June 27, ch, 40.

That from and after the adjournment of the next session of the several Territorial Legislatures the Council of each of the Territories of the United States shall not exceed twelve members and the House of Representatives of each shall not exceed twenty-four members, and the members of each branch of the said several Legislatures shall receive a compensation of four dollars per day each during the sessions provided by law, and shall receive such mileage as the law provides;

And the President of the Council and the Speaker of the House of Representatives shall each receive six dollars per day for the same time.

SECTION II.

Territories to be divided into council and representative districts, etc.
R. S., ss 1847, 1849, 1853, 1922.
See s 22 Edmunds-Tucker law, 1887.

And the several Legislatures at their next session are directed to divide their respective Territories into as many Council and Representative Districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population, except "Indians not taxed:"

Provided, The number of Council Districts shall not exceed twelve, and the Representative Districts shall not exceed twenty-four in any one of said Territories, and all parts of sections eighteen hundred and forty-seven, eighteen hundred and forty-nine, eighteen hundred and fifty-three, and nineteen hundred and twenty-two of the Revised Statutes of the United States in conflict with the provisions herein are repealed.

SECTION III.

Subordinate officers of Territorial Legislatures.
Repealing—
R. S., s 1861.

That the subordinate officers of each branch of said Territorial Legislatures shall consist of one chief clerk, who shall receive a compensation of six dollars per day; one en-

rolling and engrossing clerk, at five dollars per day; one sergeant-at-arms and doorkeeper, at five dollars per day; one messenger and watchman, at four dollars per day each; and one chaplain, at one dollar and fifty cents per day.

Said sums shall be paid only during the sessions of said Legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory.

SECTION IV.

And section eighteen hundred and sixty-one of the Revised Statutes is hereby repealed, and this substituted in lieu thereof:

Provided, That for the performance of all official duties imposed by the Territorial Legislatures, and not provided for in the Organic Act, the secretaries of the Territories, respectively, shall be allowed such fees as may be fixed by the Territorial Legislatures.

Secretaries of Territories allowed fees in certain cases. R. S., s 1843.

And in no case shall the expenditure for public printing in any of the Territories exceed the sum of two thousand five hundred dollars for any one year.

Expenses for public printing by Territories not to exceed \$2,500.

SECTION V.

Be it enacted, etc.: That the words "The Legislative Assemblies of the several Territories shall not grant private charters or especial privileges," in section eighteen hundred and eighty-nine of the Revised Statutes of the United States shall not be construed as prohibiting the Legislative Assemblies of the several Territories of the United States from creating towns, cities, or other municipal corporations, and providing for the government of the same, and conferring upon them the corporate powers and privileges necessary to their local administration, by either general or special acts;

June 8, 1878, 50 Stat. L., 101. Territories not prohibited from creating towns, cities, and municipal corporations. R. S., s 1889.

And that all general and special acts of such Legislative Assemblies heretofore passed creating and providing for the government of towns, cities, or other municipal corporations,

Acts confirmed

and conferring such rights, powers and privileges upon the same as were necessary to their local administration, be, and the same are hereby, ratified and confirmed and declared to be valid, any law to the contrary notwithstanding, subject, however, to amendment or repeal hereafter by such Territorial Assemblies.

Private rights,
etc.; how
affected.

But nothing herein shall have the effect to create any private right, except that of holding and executing municipal offices, or to divest any such right, or to make valid or invalid any contract or obligation heretofore made by or on behalf of any such town, city or other municipal corporation, or authorize any such corporation to incur hereafter any debt or obligation other than such as shall be necessary to the administration of its internal affairs. [June 8, 1878.]

SECTION VI.

Territorial officers; salaries not to commence until sworn in.
R. S., s 1845.
—to take oath in Territory.
R. S., ss 1845, 1878.

Hereafter payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath, and shall enter upon the duties of such office in such Territory.

And said oath shall hereafter be administered in the Territory in which such office is held.

* * * * *

[May 1, 1876.]

SECTION VII.

SCIENTIFIC UNIVERSITY, COLLEGE, Etc.

AN ACT TO EXTEND THE PROVISIONS OF SECTION THIRTY-TWO HUNDRED AND NINETY-SEVEN OF THE REVISED STATUTES TO OTHER INSTITUTIONS OF LEARNING.

The Secretary of the Treasury, be and is hereby authorized to grant permits as provided for in section thirty-two hundred and ninety-seven of the Revised Statutes of the United States passed at the first session of the Forty-third Congress, to any scientific university, or college of learning created and constituted such by any State or Territory under its laws, though not incorporated or chartered, upon the same terms and subject to the same restrictions and penalties, already provided by said section thirty-two hundred and ninety-seven:

Provided further, That the bond required thereby may be executed by any officer of such university or college, or by any other person for it, and on its behalf, with two good and sufficient sureties, upon like conditions, and to be approved as by said section is provided. [May 3, 1878.]

May 3, 1878.
20 Stat. L. 40.
Alcohol in
bond may be
withdrawn for
scientific pur-
poses without
payment of tax
by certain
institutions,
though not
incorporated.
R. S., s 3297.

Bond; how
signed.

SECTION VIII.

ARMS, AMMUNITION, ETC.

July 3, 1876. JOINT RESOLUTION AUTHORIZING THE SECRETARY OF WAR TO ISSUE ARMS.
19 Stat. L., 214.

Arms to be issued to Territories and border States.
R. S. s 1667.

Resolved, etc., That the Secretary of War is hereby authorized to cause to be issued to the Territories, and the States bordering thereon, such arms as he may deem necessary for their protection, not to exceed one thousand to said States [*and Territories*] each [and ammunition for the same, not to exceed fifty ball-cartridges for each arm], [*and not more than five hundred to each of said Territories*]:

—kind of arms.

Provided, That such issues shall be only from arms owned by the Government which have been superseded and no longer issued to the Army:

—manner of issue.

Provided, however, That said arms shall be issued only in the following manner, and upon the following conditions, namely upon the requisition of the governors of said States or Territories showing the absolute necessity of arms for the protection of the citizens and their property against Indian raids into said States or Territories, also that militia companies are regularly organized and under control of the Governors of said States or Territories to whom said arms are to be issued, and that said Governor or Governors shall give a good and sufficient bond for the return of said arms or payment for the same at such time as the Secretary of War may designate. [July 3, 1876.]

March 3, 1877. JOINT RESOLUTION TO AMEND THE JOINT RESOLUTION AUTHORIZING THE
19 Stat. L., 410. SECRETARY OF WAR TO ISSUE ARMS, APPROVED JULY THIRD, EIGHTEEN
HUNDRED AND SEVENTY-SIX.

Ammunition to be issued with arms to Territories and border States.
R. S., s 1667.

Resolved, etc., That the joint resolution approved July third, eighteen hundred and seventy-six, authorizing the Secretary of War to issue arms to the Territories and the States bordering thereon, be, and the same is hereby,

amended by inserting, after the words "each of said Territories," the words, "and ammunition for the same, not to exceed fifty ball-cartridges for each arm. [March 3, 1877.]

AN ACT TO AMEND A JOINT RESOLUTION AUTHORIZING THE SECRETARY OF WAR May 16, 1878.
20 Stat. L., 61.
TO ISSUE ARMS, APPROVED JULY THIRD, EIGHTEEN HUNDRED AND
SEVENTY-SIX.

Be it enacted, etc.: That a joint resolution, approved Arms to be is-
sued to Terri-
tories without
limit of former
law.
R. S., s 1667.
July third, eighteen hundred and seventy-six, entitled "Joint resolution, authorizing the Secretary of War to issue arms," be amended as follows, by inserting in the fifth line after the word "States," and before the word "each," the words "and Territories," and by striking out after the word "each" in said fifth line, and before the word "provided" in the sixth line, the words "and not more than five hundred to each of said Territories":

Provided, That the quota to the States now authorized by law shall not hereby be diminished. [May 16, 1878.]

JOINT RESOLUTION PROVIDING FOR ISSUE OF ARMS TO TERRITORIES.

June 7, 1878
20 Stat L., 252.

Be it Resolved, etc., That the Secretary of War is hereby Additional
arms to be is-
sued to Terri-
tories
R. S., s 1667.
authorized to be caused to be issued to each of the Territories of the United States (in addition to arms and ammunition the issue of which has been heretofore provided for), such arms not to exceed one thousand in number as he may deem necessary, and ammunition for the same not to exceed fifty ball-cartridges for each arm.

Provided, That such issue shall be only from arms owned by the Government of the United States which have been superseded and no longer issued to the Army:

And provided further, That said arms shall be issued only in the following manner, and upon the following conditions, namely, upon the requisition of the Governors of said Territories showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within or of Indian raids into such Territories:

And provided further, That the said Governor or Governors of said Territories to whom the said arms may be issued shall give good and sufficient bond or bonds for the return of said arms, or payment therefor, at such time as the Secretary of War may designate, as now provided for by law. [June 7, 1878.]

Feb. 12, 1887. AN ACT TO AMEND SECTION SIXTEEN HUNDRED AND SIXTY-ONE OF THE REVISED STATUTES, MAKING AN ANNUAL APPROPRIATION TO PROVIDE ARMS AND EQUIPMENTS FOR THE MILITIA.

Arms for
militia
R. S., s 1661, p
290, amended

Annual appro-
priation

Apportion-
ment.

Proviso.

States having
uniformed
militia only,
entitled.

Secretary of
War to direct
purchase of
arms, etc.

Be it enacted, etc.: That section sixteen hundred and sixty-one of the Revised Statutes be, and the same is hereby, amended and re-enacted so as to read as follows:

SEC. 1. That the sum of four hundred thousand dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster's stores, and camp equipage for issue to the militia.

SEC. 2. That said appropriation shall be apportioned among the several States and Territories under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of Columbia, such proportion and under such regulations as the President may prescribe: *Provided, however,* That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

SEC. 3. That the purchase or manufacture of arms, ordnance stores, quartermaster's stores, and camp equipage for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster's stores and camp equipage are now manufactured or otherwise provided for the use of the

regular army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the Governors of the States and Territories, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interest of the United States.

SEC. 4. That all arms, equipments, ordnance stores, ^{Unserviceable arms, etc.} or tents which may become unserviceable or unsuitable shall be examined by a board of officers of the militia, and its report shall be forwarded by the Governor of the State or Territory direct to the Secretary of War, who shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale shall be covered into the Treasury of the United States.

Received by the President, February 1, 1887.

[NOTE BY THE DEPARTMENT OF STATE. The foregoing act having been presented to the President of the United States for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

SECTION IX.

ALIEN LAND ACT.

March 3, 1887. AN ACT TO RESTRICT THE OWNERSHIP OF REAL ESTATE IN THE TERRITORIES
TO AMERICAN CITIZENS, AND SO FORTH.

Territories.
Alien persons
or corpora-
tions prohi-
bited from
acquiring real
estate in.

Exception.

Prov so.

Treaty-rights
not impaired.

Corporation
having more
than 20 per
cent. of stock
held by aliens
prohibited
from holding
real estate.

Maximum of
land which
may be held by
corporations.

Be it enacted, etc.: That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created; *Provided*, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights, so far as they may exist by force of any such treaty shall continue to exist so long as such treaties are in force, and no longer.

SEC. 2. That no corporation or association more than twenty per centum of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or hold or own any real estate hereafter acquired in any of the Territories of the United States or of the District of Columbia.

SEC. 3. That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold, or own more than five thousand acres of land in any of the Territories of the United States; and no railroad, canal, or turnpike corporation shall

hereafter acquire, hold, or own lands in any Territory, other than as may be necessary for the proper operation of its railroad, canal, or turnpike, except such lands as may have been granted to it by act of Congress. But the prohibition of this section shall not affect the title to any lands now lawfully held by any such corporation. Congressional grants. Present titles not affected.

SEC. 4. That all property acquired, held or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by bill in equity or other proper process. And in any suit or proceeding that may be commenced to enforce the provisions of this act, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights either of the United States or of the parties concerned in any such proceeding arising out of the matters in this act mentioned. Property unlawfully held to be forfeited. Suits.

SECTION X.

RAILROAD LANDS—TAXATION.

AN ACT TO PROVIDE FOR THE TAXATION OF RAILROAD-GRANT LANDS, AND July 10, 1886.
FOR OTHER PURPOSES.

Be it enacted, etc.: That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed; *Provided*, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide and to all liens Lands granted to railroad corporations not exempt from taxation if surveyed. Provisos. Lands sold for taxes subject to lien for costs of surveying, etc.

Lands opposite completed portions of roads only affected.

United States may become preferred purchaser.

Collection of costs of surveying the lands granted to railroad companies.

Right of Government to forfeit not affected.

Costs of surveying, etc., lands granted to Union Pacific Railway Company payable on demand of Secretary of the Interior.
Vol. 13, p 365.

Right to amend, etc., reserved.

of the United States, all mortgages of the United States, and all rights of the United States in respect to such lands; *Provided further*, That this act shall apply only to lands situated opposite to and coterminous with completed portions of said roads, and in organized counties; *Provided further*, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

SEC. 2. That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney-General, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section one hereof, the Secretary of the Interior shall out of such collections reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the cost of such surveying, selecting, and conveying.

SEC. 3. That this act shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted, but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

SEC. 4. That section twenty-one of chapter two hundred and sixteen, approved July second, eighteen hundred and sixty-four, is hereby so amended as that the costs of surveying, selecting and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the Secretary of the Interior, as provided in section two of this act, and nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said act, as in the opinion of Congress, justice or the public welfare may require, or to impair or waive any right or remedy in the premises now existing in favor of the United States. This act shall be subject to alteration, amendment, or repeal.

SECTION XI.

PACIFIC RAILROAD GRANTS.

And be it further enacted:

July 1, 1862.

SEC. 3. There be, and is hereby granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores thereon, every alternate section of public land, designated by odd numbers, to the amount of five alternate sections per mile on each side of said railroad, on the line thereof, and within the limits of ten miles on each side of said road, not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached, at the time the line of said road is definitely fixed: *Provided*, That all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, the timber thereon is hereby granted to said company. And all such lands, so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption, like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company.

Alternate sections on each side of railroad for ten miles granted to company.

Mineral lands excepted.

Lands when subject to settlement and pre-emption.

And be it further enacted:

SEC. 4. That whenever said company shall have completed forty consecutive miles of any portion of said railroad and telegraph line, ready for the service contemplated by this act, and supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turnouts, watering places, depots, equipments, furniture, and all other appurtenances of a first class railroad, the rails and all the other iron used in the construction and equipment of said road to the American manufacture of the best quality,

Patents for said lands when and how to issue.

Commission-
ers.

the President of the United States shall appoint three commissioners to examine the same and report to him in relation thereto; and if it shall appear to him that forty consecutive miles of said railroad and telegraph line have been completed and equipped in all respects as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company, on each side of the road as far as the same is completed, to the amount aforesaid, and patents shall in like manner issue as each forty miles of said railroad and telegraph line are completed, upon certificate of said commissioners. Any vacancies occurring in said board of commissioners by death, resignation, or otherwise, shall be filled by the President of the United States: *Provided, however,* That none such commissioners shall be appointed by the President of the United States unless there shall be presented to him a statement, verified on oath by the president of said company, that such forty miles have been completed, in the manner required by this act, and setting forth with certainty the points where such forty miles begin and where the same end; which oath shall be taken before a judge of a court of record.

Company to
render state-
ment on oath.

And be it further enacted:

Line of rail-
road and tele-
graph where
to commence.

SEC. 8. That the line of said railroad and telegraph shall commence at a point on the one hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican river and the north margin of the valley of the Platte river in the Territory of Nebraska, at a point to be fixed by the President of the United States, after actual surveys; thence running westerly upon the most direct, central, and practicable route, through the Territories of the United States, to the western boundary of the Territory of Nevada, there to meet and connect with the line of the Central Pacific Railroad Company of California.

Direction.

And be it further enacted:

Other rail-
roads may
connect.

SEC. 15. That any other railroad company now incorporated, or hereafter to be incorporated, shall have the right to connect their road with the road and branches provided for by this act, at such places and upon such just and equitable terms as the President of the United States may prescribe. Wherever the word company is used in this act it shall be construed to embrace the words,

Meaning of
word company

their associates, successors, and assigns, the same as if the words had been properly added thereto.

And be it further enacted:

July 2, 1864.

SEC. 3. That the Union Pacific Railroad Company, and all other companies provided for in this act and the act to which this is an amendment, be, and hereby are, empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width one hundred feet on each side of its center line, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station houses, or any other structures required in the construction and operating of said road. And each of said companies shall have the right to cut and remove trees or other materials that might by falling encumber its road-bed, through standing or being more than one hundred feet therefrom. And in case the owner or claimant of such lands or premises and such company cannot agree as to the damages, the amount shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by any party to any judge of a court of record in any of the Territories in which the lands or premises to be taken lie; and said commissioners, in their assessments of damages, shall appraise such premises at what would have been the value thereof if the road had not been built; and upon return into court of such appraisement, and upon the payment to the clerk thereof of the amount so awarded by the commissioners for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved by said assessment, may within thirty days, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary in the construction of its road. And said party appealing shall give bonds with sufficient surety or sureties, for the payment of any costs that may arise upon such appeal. And in case the party appealing does not obtain a more favorable verdict,

Railroads may take and hold lands necessary for road, etc.

Damages.

Appraisement.

Appeal from assessment.

Damages to
land of absent
owners.

Damages to
unoccupied
lands.

Agreements as
to damages of
persons under
disability.

Amendments
of ss 3, 7, of
act of 1862, ch
120, v 12, p 492.

such party shall pay the whole cost incurred by the appellee, as well as its own. And the payment into court for the use of the owner or claimant, of a sum equal to that finally awarded shall be held to vest in said company the title of said land, and the right to use and occupy the same for the construction, maintaining, and operating of the road of said company. And in case any of the lands to be taken as aforesaid shall be held by any person residing without the Territory, or subject to any legal disability, the court may appoint a proper person who shall give bonds with sufficient surety or sureties for the faithful execution of his trust, and who may represent in court the person disqualified or absent as aforesaid, when the same proceeding shall be had in reference to the appraisal of the premises to be taken, and with the same effect as has been already described. And the title of the company to the land taken by virtue of this act shall not be affected nor impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case it shall be necessary for either of the said companies to enter upon lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purpose of its said railroad, and may institute proceedings in manner described for the purpose of ascertaining the value of, and acquiring a title to, the same; and the court may determine the kind of notice to be served on such owner or owners, and may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claim to damages against said company shall be barred. It shall be competent for the legal guardian of any infant, or any other person under guardianship, to agree with the proper company as to damages sustained by reason of the taking of any lands of any such person under disability, as aforesaid, for the use as aforesaid; and upon such agreement being made, and approved by the court having supervision of the official acts of said guardian, the said guardian shall have full power to make and execute a conveyance thereof to the said company which shall vest the title thereto in the said company.

And be it further enacted:

SEC. 4 That section three of said act be hereby

amended by striking out the word "five," where the same occurs in said section, and by inserting in lieu thereof the word "ten;" and by striking out the word "ten," where the same occurs in said section, and by inserting in lieu thereof the word "twenty." And section seven of said act is hereby amended by striking out the word "fifteen," where the same occurs in said section, and inserting in lieu thereof the word "twenty-five." And the term "mineral land," wherever the same occurs in this act, and the act to which this is an amendment, shall not be construed to include coal and iron lands. And any lands granted by this act, or the act to which this is an amendment, shall not defeat or impair any pre-emption, homestead, swamp land, or other lawful claim, nor include any Government reservation or mineral lands, or the improvements of any bona fide settler, or any lands returned and denominated as mineral lands, and the timber necessary to support his said improvements as a miner, or agriculturist, to be ascertained under such rules as have been or may be established by the Commissioner of the General Land Office, in conformity with the provisions of the pre-emption laws: *Provided*, That the quantity thus exempted by the operation of this act, and the act to which this is an amendment, shall not exceed one hundred and sixty acres for each settler who claims as an agriculturist, and such quantity for each settler who claims as a miner, as the said Commissioner may establish by general regulation: *Provided, also*, That the phrase "but where the same shall contain timber, the timber thereon is hereby granted to said company," in the proviso to said section three, shall not apply to the timber growing or being on any land farther than ten miles from the centre line of any of said roads or branches mentioned in said act, or in this act. And all lands shall be excluded from the operation of this act, and of the act to which this act is an amendment, which were located, or selected to be located, under the provisions of an act entitled "An act donating lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts," approved, July second, eighteen hundred and sixty-two, and notice thereof given at the proper land office.

"Mineral land" not to include coal and iron.

Pre-emption, homestead, etc., rights not affected hereby.

Limit to exemption.

Timber.

Lands granted to colleges not included herein.

SECTION XII.

FORT DOUGLAS & SALT LAKE, UTAH & NORTHERN,
AND OREGON SHORT LINE RAILWAYS.

March 3, 1887. AN ACT GRANTING A RIGHT OF WAY THROUGH CERTAIN PUBLIC LANDS OF
THE UNITED STATES IN THE TERRITORY OF UTAH, AND FOR OTHER
PURPOSES.

Right of way
through Fort
Douglas Re-
servation to
Salt Lake and
Fort Douglas
Railway.

Location.

Width.

Provisos.

Stations, etc.

Regulations.

Be it enacted, etc.: That a right of way is hereby granted to the Salt Lake and Fort Douglas Railway, a corporation duly organized under the laws of the Territory of Utah, across the Fort Douglas Military Reservation, by a route surveyed and laid down on a properly certified map, a copy of which is now on file with the Secretary of War, which location has been submitted to and approved by the post commander and the commander of the department. Said right of way hereby granted shall not exceed one hundred feet in width through said reservation, except where side-tracks, spurs, turn-tables, or stations are located or to be located; and at such points the right of way shall not exceed two hundred feet on each side of the main track and not exceeding two thousand feet in length: *Provided*, That an additional right of way is hereby granted for such spurs, sidings, turn-tables, and stations as are deemed necessary from time to time in order to transport the freights and materials to and from and across said reservation; such further locations not now laid down on said map to be made under the direction of the post commander and to be approved by the Secretary of War: *Provided further*, That the regulations for operating said railroad within the limits of said reservation shall be approved by the Secretary of War: *Provided also*, That the said railway company will do nothing, or cause anything to be done that will in any way lessen the quantity of

water, except to such extent as may necessarily result from the use for engine purposes, or render the water impure that flows from Red Butte Canyon, upon which the supply of Fort Douglas depends. Water supply.

AN ACT CREATING THE OREGON SHORT LINE RAILWAY COMPANY A CORPORATION—August 2, 1882.

SECTION IN THE TERRITORIES OF UTAH, IDAHO AND WYOMING, AND FOR
OTHER PURPOSES.

Be it enacted, etc.: That the Oregon Short Line Railway Company, a corporation of that name duly incorporated and organized under the laws of the Territory of Wyoming, the amended articles of incorporation of which were duly filed in the office of the secretary of the said Territory, on the twelfth day of July, anno Domini eighteen hundred and eighty-one, be, and the same is hereby, made a railway corporation in the Territories of Utah, Idaho, and Wyoming, under the same conditions and limitations and with the same rights and privileges that it now has and enjoys under said articles of incorporation within the said Territory of Wyoming, and with all the rights and privileges within said Territories of Wyoming, Utah, and Idaho, which are secured to railway companies by the act of Congress approved the third day of March, anno Domini eighteen hundred and seventy-five, 13 Stat., 482. entitled "An act granting to railroads the right of way through the public lands of the United States": *Provided, Proviso.* That the said corporation shall at all times hereafter be subject to all the laws and regulations of the United States in relation to railroads, or of any Territory or State through which its line of road may pass. And suits against said corporation may be instituted in the courts of said Territories, or either of them having jurisdiction by the laws of such Territory.

SEC. 2. That Congress may at any time add to, alter, or repeal this act. Right to alter, amend, etc.

UTAH & NORTHERN RAILWAY COMPANY.

June 20, 1878.

Be it enacted, etc.: That the right of way through the public lands of the United States and other privileges heretofore granted by law to the Utah Northern Railway Company, are hereby modified and regranted so as to enable the Utah and Northern Railway Company and its assigns to build their road by the way of Marsh Valley, Portneuf river and Snake river Valley, instead of by the way of Soda Springs and Snake river Valley as originally granted.

Right of way,
etc.To be a corpo-
ration in Utah,
Idaho and
Montana.

SEC. 2. And said company is hereby made a railway corporation in the Territories of Utah, Idaho, and Montana, under the same conditions and limitations, and with the same rights and privileges that it now has and enjoys under its articles of incorporation, *Provided*, that said corporation shall at all times hereafter, be subject to all the laws and regulations in relation to railroads of the United States, or of any Territory or State through which it may pass. And suits against said corporation may be instituted in the courts of said Territories, or either of them, having jurisdiction by the laws of such Territory.

Proviso.

Suits.

Amendments.

SEC. 3. Congress may at any time add to, alter, amend, or repeal any act.

SECTION XIII.

MOUNT OLIVET CEMETERY.

AN ACT GRANTING A PORTION OF THE UNITED STATES MILITARY RESERVATION May 16, 1874.

AT SALT LAKE CITY FOR CEMETERY PURPOSES.

18 Stat L, 46.

Be it enacted, etc.: That the Secretary of War be, and he is hereby, authorized to set apart a tract of land, not exceeding twenty acres in extent, in the United States military reservation of Camp Douglas, near Salt Lake City, in the Territory of Utah, to be used as a public cemetery, under such rules and regulations as he shall establish for the protection, care, and management of such cemetery. And he shall cause the same to be laid off and platted in convenient and suitable lots, which shall be forever devoted for the purpose of the burial of the dead.

Public cemetery to be laid out on military reservation near Salt Lake City, Utah.

And he may set apart forever to each of the religious denominations organized in Salt Lake City, which shall file with him proof of their organization, a lot not to exceed one acre in size, and of convenient shape, which such denominations may inclose and ornament as they see fit, to be used for the purposes of burial;

Cemetery: part of, for use of religious denominations.

And two acres shall be reserved as a "potter's field," or common burying ground, which may be inclosed and ornamented by the authority of the said city.

—part as a potter's field.

SECTION XIV.

April 16, 1889.
21 Stat. L., 74.

AN ACT RELATING TO JUSTICES OF THE PEACE IN THE TERRITORIES.

Be it enacted, etc.:

Justices of
peace in Ter-
ritories to fill
vacancies;
how appointed
R. S., s 1856.

SEC. 1. That when from any cause there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the Governor and Legislative Assembly of such Territory.

—to hold only
till successors
are elected, etc

Provided, That such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

Repeal.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

SECTION XV.

FOR BENEFIT OF AGRICULTURE AND MECHANIC ARTS.

March 3, 1883. AN ACT TO AMEND AN ACT DONATING PUBLIC LANDS TO THE SEVERAL STATES AND TERRITORIES WHICH MAY PROVIDE COLLEGES FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS.

Lands, etc., for
Agricultural
Colleges.
12 Stat., 504.

Be it enacted, etc.: That the fourth section of the act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, be, and the same is hereby, amended so as to read as follows:

Proceeds of
sale of lands
to be invested,
etc.

SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are appor-

tioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be in-^{Interest.}vested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall con-^{Proviso.}stitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SECTION XVI.

RESTRICTION OF TERRITORIAL LEGISLATION.

AN ACT TO PROHIBIT THE PASSAGE OF LOCAL OR SPECIAL LAWS IN THE TER-^{July 30, 1886.}
RITORIES OF THE UNITED STATES, TO LIMIT TERRITORIAL INDEBTEDNESS,
AND FOR OTHER PURPOSES.

Be it enacted, etc.: That the legislatures of the Terri-^{Territorial legislatures.}tories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following^{Forbidden to pass certain local or special laws.} enumerated cases, that is to say:

Granting divorces.

Changing the names of persons or places.

Laying out, opening, altering, and working roads or highways.

Vacating roads, town plats, streets, alleys, and public grounds.

Locating or changing county seats.

Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.

For the punishment of crimes or misdemeanors.

For the assessment and collection of taxes for Territorial, county, township, or road purposes.

Summoning and impaneling grand or petit jurors.

Providing for the management of common schools.

Regulating the rate of interest on money.

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.]

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.]

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

No special law to be enacted where general law can apply.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the Territories of the United States by the Territorial Legislatures thereof.

Not to subscribe, etc., to any corporation.

SEC. 2. That no Territory of the United States now or hereafter to be organized, or any political or municipal corporation or sub-division of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers,

or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

SEC. 3. That no law of any Territorial Legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes, the legislature may authorize a loan for the erection of penal, charitable or educational institutions for such Territory, if the total indebtedness of the Territory is not thereby made to exceed one per centum upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation. And nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other sub-division therein.

In what cases debts may be incurred by Territories.

Limit.

Not to prohibit refunding.

SEC. 4. That no political or municipal corporation, county, or other sub-division in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding four per centum on the value of the taxable property within such corporation, county, or sub-division, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void: That nothing in this act contained shall be so construed as to affect the validity of any act of any Territorial Legislature heretofore enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law; nor to prevent any Territorial Legislature from legalizing the acts of any county, municipal corporation, or subdivision of any Territory as to any bonds heretofore issued or contracted to be issued.

Limit of indebtedness which may be incurred by counties, etc.

Not to be retroactive.

SEC. 5. That section eighteen hundred and eighty-nine title twenty-three, of the Revised Statutes of the United States be amended to read as follows:

R. S., s 1889, p 333, amended.

The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they

General incorporation acts.

Insurance,
banking, etc.,
associations
included.

may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (but not of issue) loan, trust, and guarantee associations, and for the construction or operation of railroads, wagon-roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association.

Power of Congress to annul, etc., laws, not abridged.

SEC. 6. That nothing in this act contained shall be construed to abridge the power of Congress to annul any law passed by a Territorial Legislature, or to modify any existing law of Congress requiring in any case that the laws of any Territory shall be submitted to Congress.

Acts in conflict to be null and void.

SEC. 7. That all acts and parts of acts hereafter passed by any Territorial Legislature in conflict with the provisions of this act shall be null and void.

SECTION XVII.

March 16, 1878. AN ACT TO MAKE PERSONS CHARGED WITH CRIMES AND OFFENCES COMPETENT
20 Stat. L., 30.

WITNESSES IN THE UNITED STATES AND TERRITORIAL COURTS.

Defendants in criminal cases may be witnesses, etc.
R. S., ss 858, 1342, 1624.

Be it enacted, etc: That in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offences, and misdemeanors, in the United States courts, Territorial courts, and courts martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request but not otherwise, be a competent witness.

And his failure to make such request shall not create any presumption against him. [March 16, 1878.]

SECTION XVIII.

CONVICTS UNDER FEDERAL LAWS.

AN ACT TO PROHIBIT ANY OFFICER, AGENT OR SERVANT OF THE GOVERNMENT Feb. 23, 1887.
 OF THE UNITED STATES OF AMERICA TO HIRE OR CONTRACT OUT THE
 LABOR OF PRISONERS INCARCERATED FOR VIOLATING THE LAWS OF THE
 GOVERNMENT OF THE UNITED STATES OF AMERICA.

Be it enacted, etc: That it shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person or corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated, to hire or contract out the labor of said criminals, or any part of them, who may hereafter be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America. Hiring out of convicts by prison officials forbidden.

SEC. 2. That any person who shall offend against the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned for a term not less than one year, nor more than three years, at the discretion of the court, or shall be fined not less than five hundred dollars nor more than one thousand dollars for each offence. Penalty.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after its passage. Laws inconsistent repealed.

* * * * *

That the Legislative Assemblies of the several Territories of the United States may make such provision for the care and custody of such persons as may be convicted of crime under the laws of such Territory as they shall deem proper, and for that purpose may authorize and contract for the care and custody of such convicts in any other Territory or State, Territories may provide for care and custody of convicts in any other Territory or State. R. S., s 1892. June 16, 1880.

and provide that such person or persons may be sentenced to confinement accordingly in such other Territory or State, and all existing legislative enactments of any of the Territories for that purpose are hereby legalized:

United States
not to pay
expense.
June 20, 1874,
ch 332, s 2.

Provided, That the expense of keeping such prisoners shall be borne by the respective Territories, and no part thereof shall be borne by the United States.

* * * * *

[June 16, 1880.]

March 3. 1875.
18 Stat. L., 479

AN ACT TO PROVIDE FOR DEDUCTIONS FROM THE TERMS OF SENTENCE OF UNITED STATES PRISONERS.

Be it enacted, etc.:

Convicts for
offences
against United
States laws to
have deduc-
tion from
sentence for
good conduct
in prison.
R. S., ss 5543,
5544.
14 Blatch., 344

SEC. 1. That all prisoners who have been, or shall hereafter be, convicted of any offence against the laws of the United States, and confined, in execution of the judgment or sentence upon such conviction, in any prison, or penitentiary of any State or Territory which has no system of commutation for its own prisoners, shall have a deduction from their several terms of sentence of five days in each and every calendar month during which no charge of misconduct shall have been sustained against each severally, who shall be discharged at the expiration of his term of sentence less the time so deducted, and a certificate of the warden or keeper of such prison, penitentiary, or such deduction shall be entered on the warrant of commitment:

—unless they
commit of-
fences during
their term.

Provided, That, if during the term of imprisonment the prisoner shall commit any offence for which he shall be convicted by a jury, all remissions theretofore made shall be thereby annulled.

—to be fur-
nished with
clothes and
money in cer-
tain cases.

SEC. 2. That on the discharge from any prison of any person convicted under the laws of the United States on indictment, he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and five dollars in money, for which charge shall be made and allowed in the accounts of said prison with the United States:

Provided, That this section shall not apply to persons sentenced for a term of imprisonment of less than six months.

SECTION XIX.

TERRITORIAL COURTS AND APPEALS.

AN ACT CONCERNING THE PRACTICE IN TERRITORIAL COURTS, AND APPEALS April 7, 1874.
18 Stat. L., 27.

THEREFROM.

SECTION.

1 In Territorial courts, common law and chancery jurisdiction need not be exercised separately; and codes, rules, etc., mingling same confirmed.
Right of trial by jury preserved.

SECTION.

2 Appellate jurisdiction of Supreme Court of United States, how exercised.
Proceedings on appeal.
—in cases heretofore appealed and now pending.

Whereas, By the organic acts establishing several of the Preamble.
Territories of the United States, it is provided that certain courts thereof shall have common-law and chancery jurisdiction, and doubts have been entertained whether said jurisdictions must be exercised separately, or whether they may be exercised together in the same proceeding, and whether the codes and rules of practice adopted in said Territories which have authorized a mingling of said jurisdictions in the same proceeding, or a uniform course of proceeding in all cases legal and equitable, are repugnant to the said organic act respectively:

Therefore, Be it enacted, etc.:

SEC. 1. That it shall not be necessary in any of the courts of the several Territories of the United States to exercise separately the common law and chancery jurisdictions vested in said courts; and that the several codes and rules of practice adopted in said Territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases, whether legal or equitable, be confirmed; and that all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, be, and [the same are hereby, validated and confirmed:

Provided, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common-law. Right of trial by jury preserved.

SEC. 2. That the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of

In territorial courts, common-law and chancery jurisdiction need not be exercised separately; and codes, rules, etc., mingling same confirmed.
R. S., ss 1866—1868, 1907, 1908.

Appellate jurisdiction of Supreme Court of United States, how exercised. R. S., ss 702, 703, 1909, 1911.

said Territorial courts in cases of trial by jury shall be exercised by writ of error, and in all other cases by appeal according to such rules and regulations as to form and modes of proceeding as the said Supreme Court have prescribed, or may hereafter prescribe:

Proceedings on appeal. R. S., 698. 99 U. S., 610.

Provided, That an appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the Supreme Court together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said Supreme Court; heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal:

—in cases heretofore appealed and now pending.

And provided further, That the appellate court may make an order in any case heretofore appealed, which may be necessary to save the rights of the parties; and that this act shall not apply to cases now pending in the Supreme Court of the United States where the record has already been filed.

March 3, 1885. AN ACT REGULATING APPEALS FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA AND THE SUPREME COURTS OF THE SEVERAL TERRITORIES.

SECTION.

1 Appeals and writs of error limited to cases involving more than \$5,000.

SECTION.

2 Such limitations not to apply to cases involving validity of patent or copyright, treaty, statute or authority exercised under the United States.

Appeals or writs of error from judgments, etc., of Supreme Court, District of Columbia; or of a Territory, not allowed unless amount involved be more than \$5,000.

Be it enacted, etc: That no appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or in equity in the supreme court of the District of Columbia, or in the supreme court of any of the Territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed the sum of five thousand dollars.

Not to apply to cases involving validity of patent or copyright, treaty, statute, or authority exercised under United States.

SEC. 2. That the preceding section shall not apply to any case wherein is involved the validity of any patent or copy right, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States; but in all such cases an appeal or writ of error may be brought without regard to the sum or value in dispute.

SECTION XX.

THE POLAND BILL.

AN ACT IN RELATION TO COURTS AND JUDICIAL OFFICERS IN THE TERRITORY OF UTAH.

Approved June 23, 1864.

SECTION.

- 1 The marshal to attend all sessions of the supreme and district courts; service of process and mileage; deputy marshals, their appointment, bond, oath, etc.; actions for misfeasance, how brought; sheriffs may serve process.
- 2 Attorney of United States for Utah, to attend all courts, act as prosecuting officer, appoint assistants, etc.; fees for services of assistants; prosecuting attorney may be elected in any county; his duties; costs of prosecution, how paid.
- 3 Terms of supreme and district courts. District courts; jurisdiction. Probate courts; jurisdiction. Divorce cases may be removed to district courts. Probate courts may enter lands in trust. Certain judgments confirmed. Justices of peace; juris-

SECTION.

- diction extended. Appeals from justices of peace and probate courts. Writs of error from Supreme Court of United States in certain cases. Judge of any district may have assistance of other judges.
- 4 Jury list, how prepared, etc. Drawing and summoning jury; names drawn not to be returned until, etc.; additional jurors during term time. Challenges. Court and not jury to pronounce punishment. Grand jury; duties and powers.
- 5 Notaries public to be appointed by Governor, etc. Approval of Territorial act in part.
- 6 Commissioners to be appointed by supreme court of Territory.
- 7 Territorial act disapproved. Fees of clerks, marshals and attorneys. District attorneys' salary limited.

Be it enacted, etc:

SEC. 1. That it shall be the duty of the United States Marshal of the Territory of Utah, in person or by deputy, to attend all sessions of the supreme and district courts in said Territory, and to serve and execute all process and writs issued out of, and all orders, judgments, and decrees made by said courts, or by any judge thereof, unless said court or judge shall otherwise order in any particular case.

All process, writs, or other papers left with said marshal, or either of his deputies, shall be served without delay, and in the order in which they are received, upon payment or tender of his legal fees therefor; and it shall be unlawful for

In Utah Territory, marshal to attend all sessions of supreme and district courts, etc.

R. S., ss 776—792, 1876—1907.

Service of process and mileage.

R. S., s 1875.

said marshal to demand or receive mileage for any greater distance than the actual distance by the usual routes from the place of service or execution of process, writ, or other paper, to the place of return of the same, except that when it shall be necessary to convey any person arrested by legal authority out of the county in which he is arrested, said marshal shall be entitled to mileage for the whole distance necessarily traveled in delivering the person so arrested before the court or officer ordering such arrest.

Deputy marshals, their appointment, bond, oath, etc
R. S., s 780.

Said marshal is hereby authorized to appoint as many deputies as may be necessary, each of whom shall have authority, in the name of said marshal, to perform any act with like effect and in like manner as said marshal; and the marshal shall be liable for all official acts of such deputies, as if done by himself. Such appointment shall not be complete until he shall give bond to said marshal with sureties, to be by him approved, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of his duties; and he shall also take and subscribe the same oath prescribed by law to be taken by said marshal, and said appointment, bond and oath, shall be filed and remain in the office of the clerk of the supreme court of said Territory.

—actions for misfeasance of, how brought.

In actions brought against said marshal for the misfeasance or non-feasance of any deputy it shall be lawful for the plaintiff at his option, to join the said deputy and the sureties on his bond with said marshal and his sureties.

Sheriffs may serve processes.
R. S., s 1876.

Any process either civil or criminal returnable to the supreme or district courts, may be served in any county, by the sheriff thereof or his legal deputy, and they may also serve any other process which may be authorized by act of the Territorial Legislature.

Attorney of United States for Utah to attend all courts, act as prosecuting officer, appoint assistants, etc.
R. S., s 1875.

SEC. 2. That it shall be the duty of the United States attorney in said Territory in person or by an assistant, to attend all the courts of record having jurisdiction of offences as well under the laws of said Territory as of the United States, and perform the duties of prosecuting officer in all criminal cases arising in said courts, and he is hereby authorized to appoint as many assistants as may be necessary, each of whom shall subscribe the same oath as is prescribed by law for said United States attorney, and the said appointment and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory.

The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself.

Fees for services of assistants.

The Territorial Legislature may provide for the election of a prosecuting attorney in any county; and such attorney, if authorized so to do by such legislature, may commence prosecutions for offenses under the laws of the Territory within such county, and if such prosecution is carried to the district court by recognizance or appeal, or otherwise, may aid in conducting the prosecution in such court.

Prosecuting attorney may be elected in any county; his duties, etc.

And the costs and expenses of all prosecutions for offences against any law of the Territorial Legislature shall be paid out of the treasury of the Territory.

Costs of prosecutions, how paid.

SEC. 3. That there shall be held in each year two terms of the supreme court of said Territory, and four terms of each district court, at such times as the Governor of the Territory may by proclamation fix.

Terms of supreme and district courts. R. S., s 1916.

The district courts shall have exclusive original jurisdiction in all suits or proceedings in chancery, and in all actions at law in which the sum or value of the thing in controversy, shall be three hundred dollars or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining claims shall be in dispute, whatever their value, except in actions for forcible entry, or forcible and unlawful detainer; and they shall have jurisdiction in suits for divorce.

District courts, jurisdiction. R. S., s 1907.

Probate courts, in their respective counties shall have jurisdiction in the settlements of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; [they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts;] (1)

Probate courts jurisdiction. R. S., s 1907.

But any defendant in a suit for divorce commenced in a probate court shall be entitled after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction when said suit shall proceed in like manner as if originally commenced in said district court.

Divorce cases may be removed to district courts.

Nothing in this act shall be construed to impair the

(1) The divorce jurisdiction of the probate courts is taken away by act of March 3, 1887; Edmunds-Tucker Law.

Probate courts
may enter
lands in trust.
R. S., ss 2387—
3294.

authority of the probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah according to the provisions of (1) "An act for the relief of the inhabitants of cities and towns upon public lands," approved March second, eighteen hundred and sixty-seven and "An act to amend an act entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands,' " approved June eight, eighteen hundred and sixty-eight; or to discharge the duties assigned to the probate judges by an act of the Legislative Assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands.' "

—certain judgments of,
confirmed.

All judgments and decrees heretofore rendered by the probate courts which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed.

Justices of
peace—jurisdiction
extended.

The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than three hundred dollars.

From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts; and from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the supreme court of said Territory may, by general rules framed for that purpose, specify and designate, and such appeal shall vacate the judgment appealed from, and the case shall be tried de novo in the appellate court.

Appeals from
justices of
peace and probate
courts.

Appeals may be taken from both justices' and probate courts to the district court of their respective districts in cases where judgments have been heretofore rendered and remain unexecuted; but this provision shall not enlarge the time for taking an appeal beyond the periods now allowed by the existing laws of said Territory for taking appeals:

(1) The provisions here referred to of the act of 1867, ch. 177 (14 Stat. L. 541), and act of 1868, ch. 53 (15 Stat. L., 67), are incorporated into Revised Statutes in the sections noted in the margin.

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases, where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy.

Writs of error from Supreme Court of U. S. R. S., s 702. 93 U. S., 465.

Whenever the condition of the business in the district court of any district is such that the judge of the district is unable to do the same, he may request the judge of either of the other districts to assist him, and, upon such request made, the judge so requested may hold the whole or part of any term, or any branch thereof, and his acts as judge shall be of equal force as if he were duly assigned to hold the courts in such district.

Judge of any district may have assistance of other judges.

SEC. 4. That within sixty days after the passage of this act, and in the month of January annually thereafter, the clerk of the district court in each judicial district, and the judge of probate of the county in which the district court is next to be held, shall prepare a jury-list from which grand and petit jurors shall be drawn, to serve in the district courts of such district, until a new list shall be made as herein provided. Said clerk and probate judge shall alternately select the name of a male citizen of the United States who has resided in the district for the period of six months next preceding, and who can read and write in the English language; and as selected, the name and residence of each shall be entered upon the list, until the same shall contain two hundred names, when the same shall be duly certified by such clerk and probate judge; and the same shall be filed in the office of the clerk of such district court, and a duplicate copy shall be made and certified by such officers, and filed in the office of said probate judge.

Jury-list, how prepared, etc. 98 U. S., 153.

Whenever a grand or petit jury is to be drawn to serve at any term of a district court, the judge of such district shall give public notice of the time and place of the drawing of such jury, which shall be at least twelve days before the commencement of such term; and on the day and at the place thus fixed, the judge of such district shall hold an open session of his court, and shall preside at the drawing of such jury; and the clerk of such court shall write the name of each person on the jury lists returned and filed in his office upon a separate slip of paper, as nearly as practicable of the same size and form, and all such slips shall by the clerk in open court, be placed in a covered box and thoroughly mixed and min-

Drawing and summoning jury

gled; and thereupon the United States marshal, or his deputy, shall proceed to fairly draw by lot from said box such number of names as may have previously been directed by said judge; and if both a grand and petit jury are to be drawn, the grand jury shall be drawn first; and when the drawing shall have been concluded, the clerk of the district court shall issue a venire to the marshal or his deputy, directing him to summon the person so drawn, and the same shall be duly served on each of the persons so drawn, at least seven days before the commencement of the term at which they are to serve; and the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases.

—names
drawn not to
be returned
until, etc

And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury list shall be made.

—additional
jurors during
term time

If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner.

Challenges

Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges except in capital cases where the prosecution and the defense shall each be allowed fifteen challenges.

Court and not
jury to pro-
nounce pun-
ishment.

In criminal cases, the court, and not the jury, shall pronounce punishment under the limitation prescribed by law.

Grand jury,
duties and
powers.

The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

Notaries pub-
lic to be
appointed by
Governor, etc.

SEC. 5. That there shall be appointed by the Governor of said Territory one or more notaries public for each organized county, whose term of office shall be two years, and until their successors shall be appointed and qualified.

Approval of
territorial act
in part.

The act of the Legislative Assembly of the Territory of Utah entitled "An act concerning notaries public," approved January seventeenth, eighteen hundred and sixty-six, is

hereby approved, except the first section thereof, which is hereby disapproved: *Provided*, That wherever, in said act, the words "probate judge" or "clerk of the probate court" are used, the words "secretary of the Territory" shall be substituted.

SEC. 6. That the supreme court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgments of bail; and, in addition, they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

Commissioners to be appointed by supreme court of Territory.
R. S., ss 629, 727, 728, 945, 1014, 1042, 1778, 1932-1987, 3462, 4079-4081, 4546, 5270, 5271, 5296.

SEC. 7. That the act of the Territorial Legislature of the Territory of Utah entitled "An act in relation to Marshals and Attorneys," approved March third, eighteen hundred and fifty-two, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved.

Territorial act disapproved.

The act of the Congress of the United States entitled (1) "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-sixth, eighteen hundred and fifty-three, is extended over and shall apply to the fees of like officers in said Territory of Utah.

Fees of clerks, marshals, and attorneys.
R. S., ss 823-756, 984, 1883

But the district attorney shall not by fees and salary together receive more than thirty-five hundred dollars per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States. [June 23, 1874.]

District attorney's salary limited
R. S., s 1881.

(1) The act here referred to will be found in vol. 2.

SECTION XXI.

ANTI-POLYGAMY ACT, 1862.

July 1, 1862

AN ACT TO PUNISH AND PREVENT THE PRACTICE OF POLYGAMY IN THE TERRITORIES OF THE UNITED STATES AND OTHER PLACES, AND DISAPPROVING AND ANNULLING CERTAIN ACTS OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH.

Approved, July 8, 1862.

SECTION.

- 1 Bigamy in the Territories of the United States, how punished.
- 2 Certain Territorial acts annulled. Saving property rights.

SECTION.

- 3 Religious, etc., corporations in Territories not to hold more than \$50,000 of real estate. Saving of existing vested rights.

Be it enacted, etc.:

Bigamy in
Territories,
how punished

That every person having a husband or wife living, who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in the cases specified in the proviso to this section, be adjudged guilty of bigamy, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, and by imprisonment for a term not exceeding five years. *Provided, nevertheless,* That this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years without being known to such person within that time to be living; nor to any person by reason of any former marriage which shall have been dissolved by the decree of a competent court; nor to any person by reason of any former marriage which shall have been annulled or pronounced void by the sentence or decree of a competent court on the ground of the nullity of the marriage contract.

And be it further enacted:

SEC. 2. That the following ordinance of the pro-Certain Territorial acts annulled.
visional government of the State of Deseret, so called, namely; "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints, passed February eight, in the year eighteen hundred and fifty-one, and adopted, re-enacted, and made valid by the Governor and Legislative Assembly of the Territory of Utah by an act passed January nineteen, in the year eighteen hundred and fifty-five, entitled "An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, their publication, and distribution," and all other acts and parts of acts heretofore passed by the said Legislative Assembly of the Territory of Utah, which establish, support, maintain, shield, or countenance polygamy, be, and the same hereby are, disapproved and annulled: *Provided*, That this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned, nor with the right "to worship God according to the dictates of conscience," but only to annul all acts and laws which establish, maintain, protect or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations, or other contrivances.

And be it further enacted:

SEC. 3. That it shall not be lawful for any cor-Limitation of property held by religious corporation
poration or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the territorial government of a greater value than fifty thousand dollars; and all real estate acquired or held by any such corporation or association contrary to the provisions of this act shall be forfeited and escheat to the United States: *Provided*, That existing vested rights in real estate shall not be impaired by the provisions of this section. *

* See Sec. 5352 R. S. U. S.

SECTION XXII.

EDMUNDS LAW.

AN ACT TO AMEND SECTION FIFTY-THREE HUNDRED AND FIFTY OF THE
REVISED STATUTES OF THE UNITED STATES AND FOR OTHER PURPOSES.

Approved March 22, 1882.

SECTION.

SECTION.

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| 1 Bigamy, etc., in the Territories of the United States, how punished. | 6 Amnesty. |
| 2 Action for offences already committed, not affected. | 7 Issue of Mormon marriages legitimated. |
| 3 Unlawful cohabitation a misdemeanor; how punished | 8 Polygamists, etc., disqualified to vote or hold office. |
| 4 Indictment. | 9 Board of Commissioners; their powers and duties. |
| 5 Jurors; cause of challenge; jurors may be questioned when. | |

Be it enacted, etc.:

Bigamy, etc.,
in the Terri-
tories of the
United States,
how punished
R. S. 5352, 1039,
amended

SEC. 1. That section fifty-three hundred and fifty-two of the Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows, namely:

Every person who has a husband or wife living who, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter marries another, whether married or single, and any man who hereafter simultaneously, or on the same day, marries more than one woman, in a Territory or other place over which the United States have exclusive jurisdiction, is guilty of polygamy, and shall be punished by a fine of not more than five hundred dollars and by imprisonment for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former

Polygamy
Penalty

Not to apply in
certain cases

marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract.

SEC. 2. That the foregoing provisions shall not affect the prosecution or punishment of any offence already committed against the section amended by the first section of this act. Action in offences already committed not affected

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court. Misdemeanor

SEC. 4. That counts for any or all of the offences named in sections one and three of this act may be joined in the same information or indictment. Indictment

SEC. 5. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman, first, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offence punishable by either of the foregoing sections, or by section fifty-three hundred and fifty-two of the Revised Statutes of the United States, or the act of July first, eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or, second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman; and any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court. But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the Juries Disqualification for service R. S. 5352, 1039 12 Stat., 501

ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offence named in sections one or three of this act; but if he declines to answer on any ground, he shall be rejected as incompetent.

Amnesty.

SEC. 6. That the President is hereby authorized to grant amnesty to such classes of offenders guilty of bigamy, polygamy, or unlawful cohabitation, before the passage of this act, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with.

Issue in Mormon marriages legitimated.

SEC. 7. That the issue of bigamous or polygamous marriages known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the first day of January, anno Domini eighteen hundred and eighty-three, are hereby legitimated.

Disqualified as voters, and not eligible for Territorial or Federal appointment.

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Registration and election offices declared vacant.

SEC. 9. That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent

How filled.

Board of five persons authorized.

of the Senate, not more than three of whom shall be members of one political party; and a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a salary at the rate of three ^{Salary.} thousand dollars per annum, and shall continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices as herein authorized. The secretary of the Territory shall be the secretary of said board, and keep a journal of its proceedings and attest the action of said board under this section. The canvass and ^{Duties.} return of all the votes at elections in said Territory for members of the Legislative Assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificates shall be the only evidence of the right of such persons to sit in such assembly: *Provided, That* ^{Proviso.} said board of five persons shall not exclude any person otherwise eligible to vote from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy; but each house of such assembly, after its organization, shall have power to decide upon the elections and qualifications of its members. And at, or after the first meeting of said Legislative Assembly whose members shall have been elected and returned according to the provisions of this act, said Legislative Assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act.

SECTION XXIII.

EDMUNDS-TUCKER LAW.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTION FIFTY-THREE HUNDRED AND FIFTY-TWO" OF THE REVISED STATUTES OF THE UNITED STATES, IN REFERENCE TO BIGAMY, AND FOR OTHER PURPOSES.

Approved March 22, 1882. Received by the President February 19, 1887. Took effect March 3, 1887.

SECTION.

- 1 Husband or wife may testify in prosecutions for polygamy.
- 2 Attachment of witnesses.
- 3 Punishment of adultery.
- 4 Punishment of incest.
- 5 Punishment of fornication.
- 6 Prosecution for adultery may be instituted in the same way as for other crimes.
- 7 Power of Commissioners in Utah.
- 8 Power of Marshal in Utah.
- 9 Ceremony of marriage; evidence; penalty for violation.
- 10 Other proof of marriage admissible.
- 11 Utah statute, allowing illegitimate children to inherit, annulled.
- 12 Jurisdiction of probate court in Utah reduced and defined.
- 13 Proceedings to forfeit property of corporations in Utah to be brought; proceeds how disposed of.
- 14 Production of books.
- 15 Perpetual Emigration Fund Co. dissolved; legislation for immigration forbidden.
- 16 Affairs of the Company to be settled; proceeds, how disposed of.
- 17 Incorporation of Mormon Church dissolved; proceedings to wind up.
- 18 Dower right:
 - (a) a widow endowed of third part of lands.

SECTION.

- (b) widow of alien, when entitled to dower.
- (c) dower in land exchanged for land.
- (d) dower in mortgaged land.
- (e) dower in land purchased by husband and mortgaged.
- (f) dower in proceeds of sale under mortgage.
- (g) not dowerable of certain land.
- (h) when deprived of dower in case of division.
- 19 Probate judges to be appointed by President of United States.
- 20 Voting by females prohibited.
- 21 Territorial law for numbering and identifying votes, annulled.
- 22 Election districts to be defined and representation apportioned; only qualified citizens to vote.
- 23 Registration and election officers, provisions of certain sections to continue only until certain Territorial legislation.
- 24 Oath to be taken before registration or voting; others to take same oath; who excluded from voting and holding office.
- 25 Schools, school officers and school statistics provided for; Territorial school laws suspended.
- 26 Trustees of religious corporations.
- 27 Territorial militia law annulled; militia, how to be organized, officered.

Be it enacted, etc.:

SEC. 1. That in any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States,

March 3, 1887.

Anti-Polygamy act.

Vol 22, p 30.

the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness-fee shall be paid to such witness so attached: *Provided*, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause or proceeding wherein the attachment may be issued.

SEC. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

SEC. 5. That if an unmarried man or woman commit

fornication, each of them shall be punished by imprisonment not exceeding six months, or by a fine not exceeding one hundred dollars.

Prosecutions
for adultery
may be insti-
tuted as for
other crimes.

SEC. 6 That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

Powers of
commission-
ers in Utah.

SEC. 7. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

Powers of
marshal in
Utah.

SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory, possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

Marriage cere-
monies in the
Territories.

SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be

Certificates.

none, in the office of court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall wilfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

To be prima facie evidence.

Punishment for violation.

SEC. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

Other proof admissible.

SEC. 11. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two.

Laws of Utah allowing illegitimate children to inherit annulled.

Proviso.

Not retro-active.

Vol 22, p 31.

SEC. 12. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid, except as a member of a county court;

Jurisdiction of probate courts, Utah.

and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

Proceedings to
forfeit prop-
erty of corpo-
rations in
Utah to be
brought.
Vol 12, p 501.
R. S., s 1890, p
333.

SEC. 13. That it shall be the duty of the Attorney General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section three of the act of Congress approved the first day of July, eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or in violation of section eighteen hundred and ninety of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be:

Provided, That no building, or the grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial ground shall be forfeited.

Proceeds.

Proviso.

Houses of
worship, etc.

Production of
books, etc.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of, or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

Perpetual
Emigration
Fund Com-
pany dissolved

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the State of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigration Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law

Immigration
law forbidden.

for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to carry into effect the provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

Affairs of the company to be settled.

Proceeds.

SEC. 17. That the acts of the Legislative Assembly of the Territory of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinance of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section thirteen of this act and in section twenty-six of this act, to the respective trustees mentioned in section twenty-six of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

Incorporation of Mormon Church dissolved.

Proceedings to wind up.

SEC. 18. (a) A widow shall be endowed of third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage unless she shall have lawfully released her right thereto.

Dower rights.

Widow of
alien.

(b) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

Lands
exchanged for
land.

(c) If a husband seized of an estate of inheritance in lands, exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

Out of mort-
gaged lands.

(d) When a person seized of an estate of inheritance in lands shall have executed a mortgage, or other conveyance in the nature of mortgage, of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed, as against every person except the mortgagee or grantee in such conveyance and those claiming under him.

Lands pur-
chased and
mortgaged.

(e) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage, or other conveyance in the nature of mortgage, of his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or grantee in such conveyance or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.

Sales under
mortgage.

(f) Where in such case the mortgagee, or such grantee or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or such conveyance or by virtue of the decree of a court if any surplus shall remain after payment of the moneys due on such mortgage or such conveyance, and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life, as her dower.

(g) A widow shall not be endowed of lands conveyed to

her husband by way of mortgage, unless he acquire an absolute estate therein during the marriage period. Absolute interest necessary.

(h) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed. Barred by divorce.

SEC. 19. That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and so much of the laws of said Territory as provide for the election of such judge by the Legislative Assembly are hereby disapproved and annulled. Appointment of probate judges.

SEC. 20. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the Legislative Assembly of the Territory of Utah provided for or allowing the registration or voting by females is hereby annulled. Female votes prohibited in Utah.

SEC. 21. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted. Legislative laws for voting annulled.

SEC. 22. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the Governor, Territorial Secretary, and the Board of Commissioners mentioned in section nine of the act of Congress approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States in reference to bigamy, and for other purposes," in said Territory, forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now Present election districts abolished.

Redistricting. Vol 22, p 32.

established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

Only United States citizens to vote.

Registration and election officers.

SEC. 23. That the provisions of section nine of said act approved March twenty-second, eighteen hundred and eighty-two, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the Board therein mentioned, shall continue and remain operative until the provisions and laws therein referred to to be made and enacted by the Legislative Assembly of said Territory of Utah shall have been made and enacted by said Assembly and shall have been approved by Congress.

Oath to be taken before voting.

SEC. 24. That every male person twenty-one years of age resident in the Territory of Utah shall, as a condition precedent to his right to register or vote at any election in said Territory, take and subscribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty-one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a nativeborn (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate

Registration officer to administer.

court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct on or before the day of election. As a condition precedent to the right to hold office in or under said Territory, the officer, before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment. All grand and petit jurors in said Territory shall take the same oath or affirmation, to be administered, in writing or orally, in the proper court. No person shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office of trust or emolument in said Territory who shall not have taken the oath or affirmation aforesaid. No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid approved March twenty-second, eighteen hundred and eighty-two, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.

Official oath.

Jurors.

Disqualifications.

SEC. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial

Schools in
Utah.
Superintendent.
Commissioner
to be appointed

Territorial
school laws
suspended.

Statistics.

Trustees for
real property
of religious
corporations.

Militia laws of
Utah annulled

Militia.

Proviso.

Officers.

superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties, the average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called Gentiles, the number of children of Mormon parents and the number of children of so-called Gentile parents, and their respective average attendance at school; all of which statistics and information shall be annually reported to Congress, through the Governor of said Territory and the Department of the Interior.

SEC. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

SEC. 27. That all laws passed by the so-called State of Deseret and by the Legislative Assembly of the Territory of Utah for the organization of the militia thereof or for the creation of the Nauvoo Legion are hereby annulled, and declared of no effect; and the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories: *Provided, however,* That all general officers of the militia shall be appointed by the Governor of the Territory, by and with the advice and consent of the council thereof. The Legislative

Assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress.

Received by the President, February 19, 1887.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

SECTION XXIV.

NATURALIZATION OF ALIENS.

[Revised Statutes of the United States, Page 380.]

SECTION.

2165 Aliens, how naturalized.
 2166 Aliens honorably discharged from military service.
 2167 Minor residents.
 2168 Widow and children of declarants.
 2169 Aliens of African nativity and descent.
 2170 Residence of five years in United States.

SECTION.

2171 Alien enemies not admitted.
 2172 Children of persons naturalized under certain laws, to be citizens.
 2173 Police court of District of Columbia has no power to naturalize foreigners.
 2174 Naturalization of seamen.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly, by name, to the prince, potentate, state or sovereignty, of which the alien may be at the time a citizen or subject.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitu-

tion of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but, whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required

to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the services of the United States.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his *bona fide* intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed (1) by law.

SEC. 2169. The provisions of this title shall apply to aliens, being free white persons, and to aliens of African nativity and to persons of African descent. (2)

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which

(1) Error in the roll; should be *prescribed*.

(2) As amended. See appendix to U. S. Revised Statutes, p. 1435.

the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of an alien enemy at any time previous to the actual naturalization of such alien.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary war, shall be admitted to become a citizen without the consent of the Legislature of the State in which such person was proscribed.

SEC. 2173. The police court of the District of Columbia shall have no power to naturalize foreigners.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of his discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and

every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

Feb. 1, 1876.
19 Stat. L., 2.

AN ACT TO AMEND THE REVISED STATUTES RELATING TO NATURALIZATION.

Declaration of
intention, etc.,
for naturaliza-
tion may be
made before
clerks of
certain courts.
R. S., s 2165.

Be it enacted, etc.: That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

LAND LAWS.

SERIES OF SECTIONS SELECTED FROM AN AUTHORIZED
CODIFICATION OF THE

EXISTING LAWS OF THE UNITED STATES

OF A

GENERAL AND PERMANENT CHARACTER,

RELATING TO THE SUBJECTS HEREIN CONTAINED. PUBLISHED BY THE
GOVERNMENT IN 1884.

PRE-EMPTIONS.

SECTION.

- 174 Lands subject to pre-emption.
- 175 Lands not subject to pre-emption.
- 176 Persons entitled to pre-emption.
- 177 Persons not entitled to pre-emption.
- 178 Limitation of pre-emption right.
- 179 Oath of pre-emptionists, where filed; penalty.
- 180 Notice of intention to make final proof.
- 181 Publication of notice of entry.
- 182 Proof of settlement; assignment of pre-emption rights.
- 183 Claim filed by settler on land not proclaimed for sale.
- 184 Statement to be filed by settler with intent to purchase, on lands subject to private entry.
- 185 Declaratory statement of settlers on unsurveyed lands, when filed.
- 186 Pre-emption claimants; time of making proof and payment.
- 187 Lands relinquished by pre-emptors, subject to entry at once.

SECTION.

- 188 Party contesting pre-emption entry to be allowed thirty days after notice of cancellation to make entry.
- 189 Publication of notice of contest in pre-emption cases.
- 190 Extension of time in certain cases to persons in military and naval service.
- 191 Death before consummating claim; who to complete, etc.
- 192 Entries of insane persons confirmed in certain cases.
- 193 Non-compliance with laws caused by vacancy in office of register or receiver not to affect, etc.
- 194 No pre-emption of lands sold but not confirmed by General Land Office.
- 195 Purchase by private entry after expiration of pre-emption right.
- 196 When more than one settler, rights of appeal to Commissioner and Secretary of Interior.

SECTION.	SECTION.
197 Settlements of two or more persons on same subdivision before survey.	205 Right of additional location by pre-emptors within limits of forfeited railroad grants.
198 Settlements before survey on sections 16 and 36, deficiencies therefor.	206 Confirmation of pre-emption entries within railroad limits made prior to receipt of notice of withdrawal at local office.
199 Selections to supply deficiencies of school lands.	207 Lands within railroad grants re-entered after abandonment.
200 Military bounty-land warrants receivable for pre-emption payments.	208 Entries made after expiration of land grants.
201 Agricultural-college scrip receivable in payment of pre-emptions.	209 Where claimant of entry becomes register or receiver.
202 Pre-emption limit along railroad lines.	210 Right of transfer of settlers under homestead and pre-emption laws for certain public purposes.
203 Pre-emption rights on lands reserved for grants found invalid.	211 Public sales of land not to be delayed by pre-emption claims.
204 Pre-emption rights on lands reserved for railroads.	

Lands subject
to pre-emption

SEC. 174. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

12 Stat. 413; 18 id. 18, 334; 19 id. 35; R. S. 2257. *Minnesota v Bachelder*, 1 Wall. 109; *Hughes v U. S.*, 4 id. 232; *Hutchings v Low*, 15 id. 77; *Shepley v Cowan*, 1 Otto, 330; *Atherton v Fowler*, 6 id. 513; *Hosmer v Wallace*, 7 id. 575; *Trenouth v San Francisco*, 10 id. 251. *Russell v Beebe*, 1 Hemp. C. C. 704; *Gimmy v. Culverson*, 5 Saw. C. C. 605; *Hummel v Railway Co.*, 3 Dillon C. C. 313; 3 Op. Att. Gen. 106, 697; 5 id. 7; 11 id. 490. *Terry v Megerle*, 24 Cal. 609; *Hasting v McGroggin*, 27 id. 85; *Robinson v Forrest*, 29 id. 317; *People v Shearer*, 30 id. 685; *Mahoney v Van Winkle*, 33 id. 448; *Smith v Athern*, 34 id. 270; *Hutton v Frisbie*, 37 id. 475; *Sherman v Buick*, 45 id. 656; *Foscalina v Doyle*, 47 id. 438; *Reed v Caruthers*, 47 id. 181; *Umbarger v Chaboya*, 49 id. 525; *Mastick v Cave*, 52 id. 67; *West v Smith*, 52 id. 322; *Perry v O'Hanlan*, 11 Mo. 373; *McDaniel v Orston*, 12 id. 12; *Bray v Roysdale*, 53 id. 170; *Rector v Gaines*, 19 Ark. 70; *Thompson v Schlater*, 13 La. 115; *Woodward v McReynolds*, 2 Pinney (Wis.) 268; *Challefont v Erignon*, 4 Wis. 554; *Arnold v Grimes*, 2 Iowa, 1; *Smith v Mosier*, 5 Blackf. (Ind.) 51; *Sumner v Coleman*, 23 Ind. 91; *Delaney v Burnett*, 9 Ills. 454; *Brown v Throckmorton*, 11 id. 529; *Baty v. Sale*, 43 id. 351; *Stalmaker v Morrison*, 6 Neb. 363; *Stark v Baldwin*, 7 id. 114. Decisions Sec. Int., April 10, 1872; Aug. 5, 1874; Oct. 11, 1878; May 8, 1880.

Lands not sub-
ject to pre-
emption.

SEC. 175. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to wit:

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose. (1)

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town. (2)

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture. (3)

Fourth. Lands on which are situated any known salines or mines. (4)

5 Stat. 455; 19 id. 221; R. S. 2258.

(1) *Barnard v Ashley*, 18 How. 43; *Hale v Gaines*, 22 id. 144; *Wilcox v Jackson*, 13 Pet. 498; *U. S. v Fitzgerald*, 15 id. 407; *Minnesota v Bachelder*, 1 Wall. 109; *Shepley v Cowan*, 1 Otto, 330; *Van Reynegan v Bolton*, 5 id. 33; *Hosmer v Wallace*, 7 id. 575; *Trenouth v San Francisco*, 10 id. 251; *Wolsey v Chapman*, S. C., Oct. T. 1879; *Turner v Missionary Union*, 5 McLean, C. C. 344; *U. S. v Railway Bridge Co.*, 6 id. 517; *Dupas v Wassel*, 1 Dillon, C. C. 213; *Russell v Beebe*, 1 Hemp. C. C. 704. *Josephs v U. S.* 1 N. and H. 197; *Johnson v U. S.* 2 id. 391; 2 Op. Att. Gen. 42, 578; 10 id. 56; *Bellows v Todd*, 34 Iowa, 18; *Fenwick v Gill*, 38 Mo. 510; *Gaines v Hale*, 16 Ark. 9; same case, 26 id. 168; *Marks v Dickson*, 10 La. Ann. 597; *McConnell v Wilcox*, 1 Scam. (Ills.) 344; *Smith v Goodell*, 66 Ills. 450; *Wood v Railway Co.*, 11 Kansas, 323; *Eli v. Frisbie*, 17 Cal. 250; *Mahoney v Van Winkle*, 21 id. 552; *Page v Hobbs*, 27 id. 484; *Carpenter v Sargent*, 41 id. 557. Decision Sec. Int., April 15, 1880.

(2) *Kissell v St. Louis Pub. Schools*, 18 How. 19; *Stark v Starrs*, 6 Wall. 402; *Root v Shields*, 1 Woolw. C. C. 340; *Smiley v Sampson*, 1 Neb. 56; *Towsley v Johnson*, 1 id. 95; *Nevada v Rhodes*, 4 Nev. 312. Decisions Sec. Int., June 5, 1876; July 26, 1876; Nov. 5, 1878; Oct. 1, 1879.

(3) Op. Att. Gen., July 3, 1871; July 24, 1871; Aug. 5, 1871; Sept. 27, 1871. Decisions Sec. Int., July 24, 1871; Nov. 5, 1878.

(4) *U. S. v Gear*, 3 How. 120; *Morton v Nebraska*, 21 Wall. 660. Decision Sec. Int., Feb. 5, 1878.

SEC. 176. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

Persons
entitled to
pre-emption.

5 Stat. 455; 18 id. 194, 294, 334; 19 id. 35, 404, 405; R. S. 2259. Lytle v Arkansas, 9 How. 314; Barnard v Ashley, 18 id. 43; Garland v Wynn, 20 id. 6; Gazzam v Phillips' Lessee, 20 id. 372; Lindsey v Hawes, 2 Black; 554; Hedges v U. S., 4 Wall., 232; Frisbie v Whitney, 9 id. 187; Hutchings v Low, 15 id. 77; Ferguson v McLaughlin, 6 Otto, 174; Hosmer v Wallace, 7 id. 575. Gimmy v Culverson, 5 Saw. C. C. 605; Root v Shields, 1 Woolw. C. C. 340. 3 Op. Att. Gen. 90, 126, 182, 303, 563; 4 id. 147; 5 id. 551; 7 id. 647, 746; 10 id. 56. Lytle v Arkansas, 12 Ark. 9; Kelly v Wallace, 14 Minn. 236; Davis v O'Fenall, 4 Green (Iowa), 358; McDowell v Morgan, 28 Ills. 528; Towsley v Johnson, 1 Neb. 95; Stark v Baldwin, 7 id. 114; McFarland v Culbertson, 2 Nev. 280; Ely v Ellington, 7 Mo. 302; Page v Hobbs, 27 Cal. 484; Kile v Tubbs, 28 id. 402; Quinn v Kenyon, 38 id. 499; Iburg v Suanet, 47 id. 265; Burrell v How, 48 id. 223. Decisions Sec. Int., April 23, 1863; July 12, 1871; June 6, 1872; Oct. 25, 1873; May 20, 1874; May 31, 1875; Jan. 24, 1876; March 8, 1877; Feb. 13, 1878; April 3, 1878; Sept. 21, 1879. Decisions Com. G. L. O., May 12, 1857; June 6, 1872; Sept. 14, 1874; Oct. 13, 1874; April 4, 1879.

Persons not
entitled to
pre-emption.

SEC. 177. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding section, to wit:

First. No person who is the proprietor of three hundred and twenty acres of land in any State or Territory. (1)

Second. No person who quits or abandons his residence on his own land to reside on the public lands in the same State or Territory. (2)

5 Stat. 455; R. S. 2260.

(1) Decision Sec. Int., April 24, 1873. Decision Com. G. L. O., Oct. 11, 1879.

(2) Decisions Com. G. L. O., Jan. 12, 1857; Oct. 11, 1879.

Limitation of
pre-emption
right.

SEC. 178. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section one hundred and seventy-six; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract.

5 Stat. 455, 620; R. S. 2261. Johnson v Towsley, 13 Wall. 72. Smiley v Sampson, 1 Neb. 56; Stark v Baldwin, 7 id. 114; Montgomery v Whiting, 4 Cal. 294. Decisions Sec. Int., June 6, 1876; Aug. 7, 1876; Dec. 18, 1876; June 2, 1877; May 21, 1879. Decisions Com. G. L. O., June 29, 1874; April 18, 1877; Sept. 18, 1877.

Oath of pre-
emptionist,
where filed;
penalty.

SEC. 179. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land district in which

the land is situated that he has never had the benefit of any right of pre-emption under section one hundred and seventy-six; that he is not the owner of three hundred and twenty acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for said land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void, except as provided in section two hundred and ten. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

The affidavit required by this section may be made before the clerk of the county court or of any court of record, of the county and State or district and Territory in which the lands are situated; and if the lands are situated in any unorganized county, the affidavit may be made in a similar manner in any adjacent county in said State or Territory, and the affidavit so made and duly subscribed shall have the same force and effect as if made before the register or receiver of the proper land district; and the same shall be transmitted by such clerk of the court to the register and receiver with the fee and charges allowed by law.

Final proof
made before
clerk of
county court.

5 Stat. 456; act of June 9, 1880; R. S. 2262. *Thredgill v Pintard*, 12 How. 24; *Garland v Wynn*, 20 id. 6; *Harkness v Underhill*, 1 Black, 316; *Myers v Croft*, 13 Wall. 291; *Easley v Kellom*, 14 id. 279; *Lamb v Davenport*, 18 id. 307; *Hosmer v Wallace*, 7 Otto, 575. *Dorman, Ames*, 12 Minn. 451; *Smith v Sackett*, 15 Ills. 528; *Miller v Thomas*, 14 id. 428; *Ainsworth v Miller*, 20 Kansas, 220; *Wedekind v Craig*, 15 S. C. Cal., Aug. 7, 1880, in manuscript. *Decisions Sec. Int.*, Oct. 19, 1872; March 11, 1874; Sept. 18, 1874; Oct. 12, 1874; Feb. 22, 1875;

Nov. 30, 1875; June 28, 1876; Feb. 29, 1876; Feb. 26, 1877; March 19, 1880; May 17, 1880. Decisions Com. G. L. O., July 13, 1877; Oct. 11, 1879.

Notice of
intention to
make final
proof.

SEC. 180. That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for pre-emption entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established.

20 Stat. 472.

Publication of
notice of entry

SEC. 181. Upon the filing of the notice required by the preceding section the register shall publish a notice, that such application has been made, once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days the claimant shall be entitled to make proof in the manner provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

20 Stat. 472. 14 Op. Att. Gen. 601.

Proof of
settlement;
assignment of
pre-emption
rights.

SEC. 182. Prior to any entries being made under and by virtue of the provisions of section one hundred and seventy-six, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land district in which such lands lie, agreeably to such rules as may be prescribed by the Secretary of the Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

5 Stat. 456; R. S. 2263. *Lytle v Arkansas*, 9 How. 314; *Thredgill v Pintard*, 12 id. 24; *Cunningham v Ashley*, 14 id. 377; *Garland v Wynn*, 20 id. 6; *Marks v Dickson*, 20 id. 501; *Lytle v Arkansas*, 22 id. 193; *Harkness v Underhill*, 1 Black, 316; *Litchfield v Register et al.*, 9 Wall, 575; *Myers v Croft*, 13 id 291; *Easley v Kellom*, 14 id 279; *Hutchings v Low*, 15 id 77; *Lamb v Davenport*, 18 id 307. *Root v*

Shields, 1 Woolw. C. C. 340; Kellom v Easley, 1 Dillon, C. C. 281. 1 Op. Att. Gen. 291; 2 id 42; 3 id 91; 10 id 56. Lytle v Arkansas, 12 Ark. 9; Keller v Belleaudeau, 6 La. Ann. 643; Strong v Rachal, 16 La. 232; Kellam v Ripley, 3 Rob. (La.) 138; McElyea v Hayter, 2 Port. (Ala.) 148; Lamont v Stimson, 3 Wis. 545; Challefant v Grignon, 4 id 354; Camp v Smith, 2 Minn. 155; Evans v Fulsom, 5 id 422; Bruggerman v Peter, 7 id 337; Randall v Edert, 7 id 450; McCue v Smith, 9 id 252; Ferguson v Kumbler, 11 id 184; Kelly v Wallace, 14 id 236; Woodbury v Dorman, 15 id 338; Jones v Tainter, 15 id 512; Sharon v Woolrick, 18 id 354; Marshall v Bush, Morris (Iowa), 275; Pierson v David, 1 Iowa, 24; Snow v Flannery, 10 id 318; Deland v Day, 45 id 37; Carr v Allison, 5 Blackf. (Ind.) 63; Doe v Hayes, 1 Ind. 247; Summer v Coleman, 23 id 91; McConnell v Wilcox, 1 Scam. (Ills.) 344; Gray v McCance, 14 Ills. 343; McDowell v Morgan, 28 id 528; Baty v Sale, 43 id 351; Robbins v Brown, 54 id 48; Towsley v Johnson, 1 Neb. 95; Franklin v Kelly, 2 id 79; McKean v Crawford, 6 Kansas, 112; McKean v Meassley, 6 id 122; Ainsworth v Miller, 20 id 220; Lapham v Hend, 21 id 332; Rose v Treadway, 4 Nev. 455; Treadway v Wilder, 8 id 91; Tarter v Hall, 3 Cal. 263; Larue v Gaskins, 5 id 164; Whiting v Buckman, 13 id 536; Page v Fowler, 28 id 605; Megerle v Ashe, 33 id 74; Quinn v Kenyon, 38 id 499; Damrell v Meyer, 40 id 166; Moore v Besse, 43 id 511; Thurston v Alva, 45 id 16; Hudson v Johnson, 45 id 21; Iburg v Suanet, 47 id 265; Huston v Walker, 47 id 484; Burrell v How, 48 id 223; Snow v Kimmer, 52 id 624; Douglas v Gould, 52 id 656; Dilla v Bohall, S. C. Cal., Nov. T. 1879; Chapman v Quinn, S. C. Cal., March 13, 1880; Paulding v Grinslay, 10 Mo. 135. Decisions Sec. Int., April 25, 1872; Feb. 18, 1874; March 9, 1875; Jan. 31, 1876; April 27, 1876; May 17, 1876; May 18, 1876; May 25, 1876; Dec. 9, 1876; Feb. 7, 1877; March 21, 1877; March 21, 1878; Nov. 13, 1878.

SEC. 183. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

Claim filed by settler on land not proclaimed for sale.

5 Stat. 620; R. S. 2265. Johnson v Towsley, 13 Wall. 72; Moore v Robbins, 6 Otto, 530. 9 Op. Att. Gen. 515. Decisions Sec. Int., Sept. 6, 1873; Feb. 6, 1874; June 2, 1876; Jan. 24, 1877; May 2, 1877; March 21, 1878; April 19, 1878. Decision Com. G. L. O., May 20, 1880.

SEC. 184. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding

Statement to be filed by settler with intent to purchase, on lands subject to private entry.

provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

5 Stat. 457; R. S. 2264. *Clements v Warner*, 24 How. 394; *Johnson v Towsley*, 13 Wall, 72; *Moore v Robbins*, 6 Otto, 530. 4 Op. Att. Gen. 493; 9 id 515. *Lytle v Arkansas*, 17 Ark. 608; *Godeau v Phillips*, 3 La. 59; *Orillion v Delande*, 9 id 53; *Kitteridge v Brenand*, 4 Rob. (La.) 79; *Landeling v Vester*, 20 La. Ann. 433; *Baty v Sale*, 43 Ills. 351; *Smiley v Sampson*, 1 Neb. 56; *Stalmacker v Morrison*, 6 id 363; *Perry v O'Hanlon*, 11 Mo. 373; *Kenyon v Quinn*, 41 Cal. 325; *Low v Hutchings*, 41 id 643; *McDonald v Edmonds*, 44 id 328; *Townsend v Little*, 45 id 673; *Hess v Balinger*, 48 id 349; *Rosecrans v Douglass*, 52 id 213. Decisions Sec. Int., July 17, 1871; Dec. 28, 1871; April 10, 1873. Decisions Com. G. L. O., Jan. 12, 1857; Jan. 21, 1880.

Declaratory statement of settlers on unsurveyed lands, when filed.

SEC. 185. In regard to settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land office of the approved plat of the township embracing such pre-emption settlement.

12 Stat. 410; R. S. 2266. *Lansdale v Daniels*, 10 Otto, 113. 9 Op. Att. Gen. 515. *Wynn v Morris*, 16 Ark. 414; *Robinson v Forrest*, 29 Cal. 317; *Megerle v Ashe*, 33 id 74; *Damrell v Meyer*, 40 id 166; *Hollinshead v Simms*, 51 id 158; *Pope v Athearn*, 42 id 606; *Collins v Bartlett*, 44 id 371. Decisions Sec. Int., May 21, 1875; Jan. 15, 1878; July 2, 1879. Decisions Com. G. L. O., Jan. 12, 1857; May 15, 1874; June 16, 1874; Jan. 20, 1880.

Pre-emption claimants; time of making proof and payment.

SEC. 186. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the lands claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

16 Stat. 279, 604; 18 id 52, 81; 19 id 55; R. S. 2267. Doe v Stephen-son, Ind. 144. Decisions Sec. Int., Nov. 21, 1878; Feb. 28, 1879; May 21, 1879; June 5, 1880. Decisions Com. G. L. O., March 8, 1878; Sept. 25, 1879.

SEC. 187. When a pre-emption claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

Lands relinquished by pre-emptor subject to entry at once.

Act of May 14, 1880. Cir. G. L. O., May 25, 1880.

SEC. 188. In all cases where any person has contested, paid the land office fees and procured the cancellation of any pre-emption entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter such lands; and the register shall be entitled to a fee of one dollar for giving such notice, to be paid by the contestant and not to be reported.

Party contesting pre-emption entry to be allowed thirty days after notice of cancellation to make entry.

Act of May 14, 1880. Cir. G. L. O., May 25, 1880.

SEC. 189. The notices of contest provided by law under the pre-emption laws shall be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land.

Publication of notices of contest in pre-emption cases.

20 Stat. 91. 14 Op. Att. Gen. 601.

SEC. 190. Where a pre-emptor has taken the initiatory steps required by law in regard to actual settlement, and is called away from such settlement by being engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land office to make before the register or receiver the affidavit, proof and payment, respectively, required by the preceding provisions of this chapter, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that such pre-emptor is

Extension of time in certain cases to persons in military and naval service.

so in the service, being filed with the register of the land office for the district in which his settlement is made.

13 Stat. 35; R. S. 2268. Decision Sec. Int., Jan. 25, 1879. Decisions Com. G. L. O., May 18, 1866; March 8, 1875. Cir. G. L. O., April, 1864.

Death before consummating claim; who to complete, etc.

SEC. 191. Where a party entitled to claim the benefits of the pre-emption laws dies before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same; but the entry in such cases shall be made in favor of the heirs of the deceased pre-emptor, and a patent thereon shall cause the title to inure to such heirs, as if their names had been specially mentioned.

5 Stat. 620; R. S. 2269. Galloway v Finley et al, 12 Pet. 264; Davenport v Lamb, 13 Wall. 418. 1 Op. Att. Gen. 361. McDaniel v Grace, 15 Ark. 465; Faver v Levi, Morris (Iowa), 372; Cullen v Riley, 7 Iowa, 517; Longworthy v Heeb, 46 id 64; Grove v Fulsome, 16 Mo. 543. Decisions Sec. Int. March 3, 1875; April 18, 1876. Decision Com. G. L. O., Aug. 17, 1878. 1 Lester's L. L. 429, 464, 465.

Pre-emption entries of insane persons confirmed in certain cases.

SEC. 192. In all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the pre-emption laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of becoming insane.

Act of June 8, 1880.

SEC. 193. Whenever the vacancy or the office either of register or receiver, or of both, renders it impossible for the claimant to comply with any requisition of the pre-emption

laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to [the establishment of his claim; but such requisition must be complied with within the same period after the disability is removed as would have been allowed had such disability not existed.

Non-compliance with laws caused by vacancy in office of register or receiver not to affect, etc.

5 Stat. 620; R. S. 2270.

SEC. 194. The provisions of this chapter shall be so construed as not to confer on any one a right of pre-emption, by reason of a settlement made on a tract theretofore disposed of, when such disposal has not been confirmed by the General Land Office, on account of any alleged defect therein.

No pre-emption of lands sold but not confirmed by Land Office.

5 Stat. 534; R. S. 2271.

SEC. 195. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

Purchase by private entry after expiration of pre-emption right.

[5 Stat. 621; R. S. 2272.

SEC. 196. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions [as to the right of pre-emption arising [between different settlers] shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

When more than one settler, rights of; appeals to Commissioner and Secretary of Interior.

5 Stat. 456; 11 id 326; R. S. 2273. *Brown's Lessee v Clements*, 3 How. 650; *Lytle v Arkansas*, 9 id 314; *Cunningham v Ashley*, 14 id 377; *Garland v Wynn*, 20 id 6, *Lytle v Arkansas*, 22 id 193; *Litchfield v Register and Receiver*, 9 Wall 575; *Johnson v Towsley*, 13 id 72; *Warren v Van Brunt*, 19 id 646; *Shepley v Cowan*, 1 Otto, 330. *Minnesota v Bachelder*, 5 Minn. 223; *Warren v Van Brunt*, 12 id 70; *Bird v Ward*, 1 Mo. 398; *Lewis v Lewis*, 9 id 183; *Heill v Miller*, 36

id 182; Gaines v Hale, 16 Ark. 9; Lytle v Arkansas, 17 id 608; Lamont v Stimson, 3 Wis. 545; Faber v Levi, Morris (Iowa), 372; Jamison v Doe, 4 Ills. 113; Gray v McCance, 14 id 343; McGee v Wright, 16 id 557; Aldrich v Aldrich, 37 id 32; Burnett v Farrar, 7 id 558; Baty v Sale, 43 id 351; Robbins v Brown, 54 id 48; Rogers v Brent, 5 Gill. 580; Smiley v Sampson, 1 Neb. 56; Nevada v Rhodes, 4 Nev. 312; Calwell v Smith, 1 Wash. T. 109; Megerle v Ashe, 33 Cal. 74; Quinn v Kenyon, 38 id 499; Burrell v How, 40 id 373; Hosmer v Wallace, 47 id 461; Savings Bank v Hymms, 50 id 195; Hesters v Brennan, 50 id 211; Vance v Kohlburg, 50 id 346; Rutledge v Murphey, 51 id 389; Decisions Sec. Int., Nov. 14, 1874; June 29, 1875; Sept. 8, 1875, April 26, 1876; July 11, 1876; Oct. 25, 1876; April 19, 1878; June 28, 1878; Oct. 11, 1878; Jan. 30, 1880; April 29, 1880.

Settlements of
two or more
persons on
same
subdivision
before survey.

SEC. 197. When settlements have been made upon agricultural public lands of the United States, prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after a patent is issued to him, and, after making said contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sole occupation and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

17 Stat. 609; R. S. 2274. Warren v Van Brunt, 19 Wall. 646. Downes v Scott, 3 Rob. (La.) 84; Snow v Flannery, 10 Iowa, 318. Decisions Sec. Int., March 3, 1875; Sept. 8, 1875; July 8, 1876; Sept. 16, 1879. Decision Com. G. L. O., June 8, 1874.

Settlements
before survey
on ss 16 or 36,
deficiencies
thereof.

SEC. 198. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands

are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

11 Stat. 385; 18 id 202; R. S. 2275. *Barnard v Ashley*, 18 How. 43; *Minnesota v Bachelder*, 1 Wall. 109; *Sherman v Buick*, 3 Otto, 209; *Water and Mining Co. v Bugbey*, 6 id 155. *Athearn v Pope*, 25 Cal. 632; *Smith v Athearn*, 34 id 506; *Minnesota v Bachelder*, 7 Minn. 121; *Layton v Troxell*, 11 Nev. 451. Decisions Sec. Int., March 14, 1862; March 28, 1873; March 10, 1876; May 3, 1879; April 12, 1879; June 22, 1880. Decisions Com. G. L. O., Dec. 27, 1879.

SEC. 199. The lands appropriated by the preceding section shall be selected, within the same land district, in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one quarter, and not more than one-half of a township, one-half section; and for a fractional township, containing a greater quantity of land than one entire section and not more than one-quarter of a township, one quarter-section of land.

Selections to supply deficiencies of school lands.

4 Stat. 179; 11 id 385; 18 id 202; R. S. 2276.

SEC. 200. All warrants for military bounty-lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Military bounty land warrants receivable for pre-emption payments.

10 Stat. 3; R. S. 2277.

SEC. 201. Agricultural-college scrip issued to any State under the act approved July second, eighteen hundred and sixty-two or acts amendatory thereof, shall be received from

Agricultural-college scrip receivable in payment of pre-emptions.

actual settlers in payment of pre-emption claims in the same manner and to the same extent as authorized in case of military bounty-land warrants, by the preceding section.

16 Stat. 186; R. S. 2278.

Pre-emption
limit along
railroad lines.

SEC. 202. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

10 Stat. 244; 18 id 519; R. S. 2279.

Pre-emption
rights on lands
reserved for
grants found
invalid.

SEC. 203. Any settler on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or may hereafter be declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

10 Stat. 244; R. S. 2280. Mahoney v Van Winkle, 33 Cal. 448; Umbarger v Chaboya, 49 id 525; Rutledge v Murphey, 51 id 389.

Pre-emption
rights on lands
reserved for
railroads.

SEC. 204. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

10 Stat. 269; 16 id 279; 18 id 519; R. S. 2281. Baker v Gee, 1 Wall, 333; Lansdale v Daniels, 10 Otto, 113. Railway Co. v Baldwin, 7 Neb. 247; Collins v Bartlett, 44 Cal. 371; Campbell v Buckman, 49 id 362; Weaver v Fairchild, 50 id 360. Decisions Sec. Int., Sept. 24, 1862; July 31, 1872; March 31, 1873; Feb. 18, 1874; Sept. 10, 1874; Sept. 19, 1874; March 23, 1875; March 22, 1876; Oct. 15, 1878; July 2, 1879. Decisions Com. G. L. O., Sept. 12, 1862; Aug. 23, 1871; Feb. 18, 1873; March 12, 1873.

Right of
additional
location by
pre-emptors
within limits
of forfeited
railroad grants

SEC. 205. Where any actual settler who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double-minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for

failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases; but when such location is made upon double-minimum lands, one-half the amount only shall be taken.

18 Stat. 519.

SEC. 206. All pre-emption entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

Confirmation of pre-emption entries within railroad limits made prior to receipt of notice of withdrawal at local office.

19 Stat. 35. Decisions Sec. Int., Aug. 9, 1876; Oct. 24, 1876; Sept. 16, 1876; Jan. 27, 1877; March 30, 1877; Oct. 12, 1877; Jan. 30, 1878; Feb. 7, 1878; May 22, 1878; June 3, 1878; June 11, 1878; Dec. 18, 1878; Dec. 20, 1878; Jan. 25, 1879; Jan. 31, 1879; July 19, 1879; July 24, 1879; Aug. 23, 1879; Sept. 17, 1879; Oct. 24, 1879; Nov. 13, 1879. Decisions Com. G. L. O., Feb. 14, 1876; Sept. 16, 1876; Jan. 3, 1878; Aug. 2, 1878.

SEC. 207. When at the time of the withdrawal, as stated in the preceding section, valid pre-emption claims existed upon any lands within the limits of any such grants, which afterwards were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption claimants who have complied with the laws governing pre-emption entries, and shall make the proper proof required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

Lands within railroad grants re-entered after abandonment.

19 Stat. 35. Decisions Sec. Int., Aug. 17, 1876; April 21, 1877; May 1, 1877; May 3, 1877; May 6, 1878; June 27, 1878; Aug. 14, 1878; Aug. 28, 1878; Nov. 7, 1878; Jan. 21, 1879; March 14, 1879; April 4, 1879; June 28, 1879; July 3, 1879; Oct. 16, 1879; Dec. 13, 1879. Decision Com. G. L. O., Feb. 25, 1879. Cir. G. L. O., Nov. 7, 1871.

Entries made after expiration of land grants.

SEC. 208. All such pre-emption entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

19 Stat. 35.

Where claimant of entry becomes register or receiver.

SEC. 209. Any bona fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land office, and who has subsequently been appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land Office.

17 Stat. 10; R. S. 2287. U. S. v Fitzgerald, 15 Pet. 407. 4 Op. Att. Gen. 223; 7 id 647.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

SEC. 210. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

17 Stat. 602; R. S. 2288.

SEC. 211. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President. Sale of land not to be delayed, etc.

5 Stat. 457; R. S. 2282. Decision Sec. Int., Feb. 5, 1876.

NOTE.—The following acts authorizing settlers upon the public lands under the pre-emption, homestead, and timber-culture laws, whose crops were destroyed by grasshoppers, to absent themselves temporarily from their lands, etc., and extending the time for making final proof, have been passed from time to time by Congress, viz: 18 Stat. 81; 19 id 54, 55, 59, 405; 20 id 88, 169; act of June 4, 1880.

See post ss 376, 377, 378.

HOMESTEADS.

SECTION.	SECTION.
212 Who may enter certain unappropriated lands.	237 Persons who have entered less than 160 acres, rights of.
213 Mode of procedure.	238 Widow and minor children of persons entitled to homestead, etc.
214 Pre-emption filing changed to homestead entry.	239 Actual service in the army and navy equivalent to residence, etc.
215 Homestead settlers allowed same time as pre-emptors to file application for lands.	240 Who may enter by agent.
216 Certificate and patent, when given and issued.	241 Homestead right extended to Indians who sever their tribal relations.
217 When rights inure to the benefit of infant children.	242 Certain Indian homesteads confirmed.
218 Homestead entries of insane persons confirmed in certain cases.	243 Chiefs, etc., of Stockbridge Munsees, homestead rights of.
219 Persons in military and naval service, when and before whom to make affidavits.	244 Exemption of homestead, Stockbridge Munsees.
220 When persons may make affidavit before clerk of court.	245 Stockbridge Munsees becoming citizens.
221 Record of applications.	246 Unsold lands of Ottawa and Chipewewa Indians, how opened for homesteads.
222 Homestead lands not to be subject to prior debts.	247 Selections for minors under preceding section.
223 When lands entered for homesteads revert to Government.	248 Bona fide settlers on above lands prior to, etc.
224 Publication of notice of contest in homestead cases.	249 Certain lands to be patented to Indians making selection.
225 Notice of intention to make final proof.	250 Cultivation of trees on homestead tracts.
226 Publication of notice of entry.	251 Entry of 160 acres of double-minimum lands allowed after March 3, 1879. Additional entry of adjoining lands allowed. New entry, when allowed.
227 Lands covered by relinquished homestead claims subject to entry at once.	252 Homestead claimants or their assignees may purchase lands at \$1.25 per acre in certain cases.
228 Party contesting homestead entry allowed thirty days after notice of cancellation to make entry.	253 Confirmation of homestead entries within railroad limits made prior to receipt of notice of withdrawal at local office.
229 Limitation of amount entered for homestead.	254 Lands within railroad grants re-entered by claimants after abandonment.
230 Existing pre-emption rights not impaired.	255 Homestead entries made after expiration of land grants, confirmed.
231 What minors may have the privileges of this chapter.	
232 Payment before expiration of five years; rights of applicant.	
233 No distinction on account of race or color, etc.	
234 What lands disposed of only as homesteads.	
235 Soldiers' and sailors' homesteads.	
236 Deduction of military and naval service from time, etc.	

Who may enter certain unappropriated public lands.

SEC. 212. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less

quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

12 Stat. 392; 18 id 15, 22, 194, 334, 420; 19 id 35, 405; R. S. 2289. *Railway Co. v Watts*, 2 Dillon, C. C. 310. *Bellows v Todd*, 34 Iowa, 18; *Deland v Day*, 45 id 37; *Blair Town Co. v Kitteringham*, 43 id 462; *Walker v Stone*, 48 id 92; *Stalmacker v Morrison*, 6 Neb. 363; *Stark v Baldwin*, 7 id 114; *Railway Co. v Baloni*, 7 id 247; *Keeran v Allen*, 33 Cal. 542, *Emmerson v Samsome*, 41 id 552. *Decisions Sec. Int.*, Oct. 16, 1870; April 28, 1871, 1 *Copp's L. O.* 36; June 20, 1871, 1 id 114; July 8, 1871, *Copp's L. L.* 231; Nov. 1, 1871, id 240; June 19, 1872; May 19, 1874; June 1, 1874, 1 *Copp's L. O.* 35; Sept. 16, 1874; Aug. 25 1875, 2 *Copp's L. O.* 83; Sept. 23, 1875, 2 id 100; Jan. 12, 1876, 2 id 162; April 4, 1876, 3 id 21; April 12, 1876, 3 id 52; April 29, 1876, 3 id 114; Aug. 3, 1876, 3 id 122; Jan. 5, 1877, 3 id 164; March 7, 1877; Sept. 14, 1878; Jan. 6, 1879, 5 *Copp's L. O.* 179; Sept. 16, 1879, 6 id 108; Sept. 27, 1879 6 id 107; June 22, 1880, 7 id 66; *Decisions Com. G. L. O.*, Dec. 18, 1867, *Zab. L. L.* 162; Feb. 28, 1868, id 164; May 15, 1868, id 165; June 23, 1870, 7 *Copp's L. O.* 25; May 8, 1871, *Copp's L. L.* 228; July 11, 1871: Feb. 5, 1873; March 28, 1873, 2 *Copp's L. O.* 57; Feb. 10, 1874, 1 id 3; March 11, 1874, 1 id 19; March 20, 1874, 1 id 34; March 26, 1874, 1 id 4; April 15, 1874, 1 id 20; May 7, 1874, 1 id 39; May 15, 1874, 1 id 35; May 21, 1874, 1 id 35; Aug. 4, 1874; Sept. 26, 1874, 1 *Copp's L. O.* 99; Sept. 29, 1874, 6 id 172; Oct. 5, 1874, *Copp's L. L.* 280; Oct. 28, 1874; Nov. 27, 1874, 1 *Copp's L. O.* 163; Feb. 20, 1875, 1 id 180; March 27, 1875, 2 id 34; May 22, 1875, 2 id 82; Dec. 1, 1875, 2 id 132; April 13, 1876, 3 id 19; June 8, 1876, 2 id 181; Dec. 5, 1876, 3 id 178; Jan. 6, 1877, 4 id 168; Jan. 12, 1877, 4 id 107; March 23, 1877, 6 id 137; July 11, 1877, 4 id 83; Aug. 16, 1877, 4 id 103; Aug. 18, 1877, 4 id 107; Nov. 28, 1877, 4 id 146; Jan. 8, 1878, 6 id 125; Dec. 7, 1878, 5 id 147; June 23, 1879, 6 id 51; July 30, 1879, 6 id 106; Oct. 10, 1879, 6 id 125; Feb. 3, 1880, 6 id 190. *Cir. G. L. O.*, Oct. 30, 1862, *Zab. L. L.* 147, 151; June 25, 1869, *Copp's L. L.* 248; Aug. 15, 1872, 1 *Copp's L. O.* 28; Jan. 19, 1878, 6 id 125; Aug.—, 1878, 5 id 118; Oct. 18, 1878, 5 id 164; Nov. 1, 1878, 5 id 147; Nov. 14, 1878, 5 id 165; July 1, 1879, 6 id 92; Sept. 1, 1879. *Rules 24-27, G. L. O. Rep.* 1877, p 101.

SEC. 213. The person applying for the benefit of the preceding section shall, upon application to the register of the ^{Mode of} procedure.

land office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

12 Stat. 392; 13 id 35; 14 id 67; 18 id 192, 420, R. S. 2290. *Litchfield v Register and Receiver*, 1 Woolw. C. C. 299. *Oaks v Heaton*, 44 Iowa, 116. Decisions Sec. Int., March 3, 1874; Sept. 16, 1874; Oct. 20, 1874, 1 Copp's L. O. 149; Jan. 12, 1876, 2 id 162; Jan. 5, 1877, 1 id 64; Jan. 23, 1880. Decisions Com. G. L. O., May 8, 1871, Copp's L. L. 228; May 7, 1874, 1 Copp's L. O. 139; Sept. 29, 1874; Oct. 28, 1874; Feb. 20, 1875, 1 Copp's L. O. 180; April 13, 1876, 3 id 19; March 23, 1877, 6 id 137; Dec 2, 1878, 5 id 147; June 23, 1879, 6 id 51; Sept. 12, 1879. Cir. G. L. O., Oct. 30, 1862, Zab. L. L. 147, 151; April 18, 1864, id 155; Feb. 28, 1868, id 164; May 15, 1868, id 165; June 15, 1872, Copp's L. L. 239; May 18, 1877, 4 Copp's L. O. 51; Jan 8, 1878, 4 id 167; ——— 1878, 5 id 118; May 24, 1879, 6 id 60. General Cir., Sept. 1, 1879, pp 11, 20. Rule 26, G. L. O. Rep. 1877, p 101.

Pre-emption
filing changed
to homestead
entry.

SEC. 214. Any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land, shall be entitled, subject to all the provisions of law relating to homesteads to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws.

19 Stat. 404; 20 id 63. Decisions Sec. Int., June 20, 1871, 1 Copp's L. O. 108; June 19, 1872; Aug. 3, 1876, 3 Copp's L. O. 122; Sept. 16, 1879, 6 id 108; Sept. 27, 1879, 6 id 107. Decisions Com. G. L. O., May 21, 1877, 4 Copp's L. O. 51; Oct. 18, 1878, 5 id 164. Cir. G. L. O., April 4, 1877, 4 Copp's L. O. 23; March 21, 1878, 5 id 27. General Cir., Sept. 1, 1879, p 15. Rules 24 and 27, G. L. O. Rep. 1877, p 101.

SEC. 215. Any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention

of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States land office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws.

Homestead
settlers
allowed same
time as pre-
emptors to file
application for
lands.

21 Stat. 140, 141. Decisions Sec. Int., April 29, 1876, 3 Copp's L. O. 114; Aug. 3, 1876, 3 id 122; Sept. 27, 1879, 6 id 107. Decisions Com. G. L. O., May 7, 1874, 1 Copp's L. O. 139; Oct. 18, 1878, 5 id 164. Cir. G. L. O., May 25, 1880, 7 Copp's L. O. 52.

SEC. 216. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section two hundred and ten, and that he, she, or they will bear true allegiance to the Government of the United States; then in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law. The proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance, required to be made by this section, may be made before the judge, or, in his absence, before the clerk of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver, of the proper land district; and the same shall be transmitted by such judge or the clerk of his court to the register and the receiver, with the fee and charges allowed by law to him; and the register and receiver shall be entitled to the same

Certificate and
patent, when
given and
issued.

Proof of
residence, etc.

fees for examining and approving said testimony as are now allowed by law for taking the same; and if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register.

False swearing
penalty for.

14 Stat. 67; 18 id 81; 19 id 403; R. S. 2291. *Mining Co. v Daughbery*, 1 Saw. C. C. 450. *Oaks v Heaton*, 44 Iowa, 116; *Deland v Day*, 45 id 37; *Dawson v Merrille*, 2 Neb. 119; *Cheney v White*, 5 id 261; *Jones v Yorkman*, 5 id 265; *Perry v Ashley*, 5 id 291; *Bellinger v White*, 5 id 399; *Axtell v Warden*, 7 id 182; *McWilliams v Bridges*, 7 id 419; *Moore v McIntosh*, 6 Kansas, 39; *Commissioners v Spippman*, 14 id 532; *Kirkaldie v Larrabee*, 31 Cal. 465; *Jarvis v Hoffman*, 43 id 304. *Decisions Sec. Int.*, June 2, 1871, *Copp's L. L.* 234; July 12, 1871, id 256; Oct. 21, 1871, id 233; Nov. 3 1871, id 245; Jan. 31, 1872, id 238; Feb. 3. 1875; Aug. 5, 1875, 2 *Copp's L. O.* 83; Aug. 25, 1875, 2 id 83; Dec. 4, 1875, 2 id 131; April 6, 1876; Jan. 15, 1877, 3 *Copp's L. O.* 164; March 7, 1877; April 9, 1877, 4 *Copp's L. O.* 19; May 14, 1878; Dec. 5, 1878, 5 *Copp's L. O.* 146; Nov. 25, 1879, 6 id 153; Feb. 7. 1880, 7 id 6. *Decisions Com. G. L. O.*, June 24, 1867, *Zab. L. L.* 160; Aug. 6, 1868, id 167; March 28, 1-70, 3 *Copp's L. O.* 57; Feb. 10, 1874, 1 id 3; March 26, 1874, 1 id 4; May 15, 1874, 1 id 35; June 10, 1874, *Copp's L. L.* 239; June 19, 1874, id 238; July 25, 1874, 1 *Copp's L. O.* 92; Aug. 4, 1874, *Copp's L. L.* 247; Aug. 22, 1874, 1 *Copp's L. O.* 84; Dec. 15, 1874, 1 id 149; Dec. 19, 1874, *Copp's L. L.* 271; June 22, 1875, 2 *Copp's L. O.* 50; July 31, 1875, 2 id 83; Aug. 6, 1875, 2 id 99; April 13, 1876, 3 id 19; Feb. 25, 1877, 4 id 108; May 7, 1877; June 29, 1877; July 6, 1877, 4 *Copp's L. O.* 168; July 25, 1877, 4 id 103; Aug. 16, 1877, 4 id 103; Aug. 18, 1877, 4 id 107; Aug. 25, 1877, 4 id 103; Oct. 22, 1877, 4 id 131; Nov. 22, 1877, 4 id 146; Dec. 4, 1877, 4 id 146; Sept. 3, 1878, 5 id 117; Oct. 2, 1878, 5 id 117; Nov. 14, 1878; Dec. 5, 1878, 5 *Copp's L. O.* 147; Jan. 20, 1879, 5 id 179; Jan. 29, 1879, 5 id 179; Feb. 4, 1879, 5 id 179; July 6, 1879; Aug. 11, 1879, 6 *Copp's L. O.* 93; Jan. 24, 1880, 6 id 190; Feb. 19, 1880, 6 id 189; March 24, 1880, 7 id 24; April 22, 1880, 7 id 25. *Cir. G. L. O.*, Oct. 30, 1862, *Zab. L. L.* 147, 151; Feb. 28, 1868, id 164; May 15, 1868, id 165; Dec. 20, 1873, *Copp's L. L.* 244; July 9, 1874, id 259; Aug. 17, 1874, id 260; Sept. 9, 1874, id 244; Jan. 5, 1875, id 261; Oct. 24, 1876, 3 *Copp's L. O.* 116; April 4, 1877, 4 id 23; May 8, 1877, 4 id 52; May 18, 1877, 4 id 51; June 23, 1877, 4 id 68; July 6, 1878, 5 id 101; July 17, 1878, 5 id 95; ———, 1878, 5 id 118; April 15, 1879, 6 id 45; May 24, 1879, 6 id 60. *General Cir.*, Sept. 1, 1879, p 11, et. seq. *Rule 24, G. L. O. Rep.* 1877, p 101.

When rights
inure to the
benefit of
infant children

SEC. 217. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administra-

tor, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

14 Stat. 67; R. S. 2292. Fuller v Hunt, S. C. Iowa, 1877; Railway Co. v Gordon, S. C. Mich. 1879. Decisions Sec. Int., April 9, 1877, 4 Copp's L. O. 19; Nov. 6, 1878, 5 id 165. Decisions Com. G. L. O., Aug. 6, 1875, 2 Copp's L. O. 99; Aug. 12, 1875, 2 id 99; Oct. 18, 1876, 3 id 114; May 28, 1877, 4 id 57; Dec. 8, 1877; Feb. 4, 1879, 5 Copp's L. O. 179; Jan. 24, 1880, 6 id 180. Cir. G. L. O., Oct. 30, 1862, Zab. L. L. 147, 151. General Cir., Sept. 1, 1879, p 13.

SEC. 218. In all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane; and the requirement in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards insane persons.

Homestead entries of insane persons confirmed in certain cases.

21 Stat. 166. Decisions Com. G. L. O., March 11, 1874, 1 Copp's L. O. 19; Nov. 14, 1878, 5 id 165. Cir. G. L. O., July 17, 1880, 7 Copp's L. O. 89.

SEC. 219. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts

Persons in military or naval service, when and before whom to make affidavit.

at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

13 Stat. 35; R. S. 2293. Decisions Sec. Int., April 3, 1879, 6 Copp's L. O. 50. Decisions Com. G. L. O., Nov. 6, 1875, 2 Copp's L. O. 133; July 3, 1876, 3 id 69; Feb. 3, 1880, 6 id 190. Cir. G. L. O., April 18, 1864, Zab. L. L. 155; Sept. 14, 1868, id 158; June 25, 1869, Copp's L. L. 248.

When persons
may make
affidavit before
clerk of court.

SEC. 220. In any case in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

13 Stat. 35; 18 id 192; R. S. 2294. Decisions Com. G. L. O., March 31, 1874, 1 Copp's L. O. 19; May 7, 1874, 1 id 139. Cir. G. L. O., Zab. L. L. 151; April 18, 1864, id 155; Sept. 14, 1868, id 158; April 21, 1870, Copp's L. L. 226; April 4, 1877, 4 Copp's L. O. 23; May 18, 1877, 4 id 51; —, 1878, 5 id 118. General Cir., Sept. 1, 1879, p 11.

Record of
applications.

SEC. 221. The register of the land office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

12 Stat. 393; R. S. 2295. Decisions Sec. Int., June 20, 1871, 1 Copp's L. O. 114; Sept. 16, 1874. Decision Com. G. L. O., July 11, 1871. Cir. G. L. O., Oct. 30, 1862, Zab. L. L. 147. General Cir., Sept. 1, 1879, p 11.

SEC. 222. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

Homestead lands not to be subject to prior debts.

12 Stat. 393; R. S. 2296. Seymour v Saunders, 4 Dillon, C. C. 437. Russell v Lowth, 21 Minn. 167; Cheeny v White. 5 Neb. 261; Jones v Yorkman, 5 id 263; Bellinger v White, 5 id 399; McWilliams v Bridges, 7 id 419; Moore v McIntosh, 6 Kansas, 39; Waters v Voorhees, 14 id 328; Kirkaldie v Larrabee, 31 Cal. 456; Miller v Little, 47 id 348; Chant v Reynolds, 49 id 213; Fuller v Hunt, S. C. Iowa, 1877. Cir. G. L. O., Oct. 2, 1862, Zab. L. L. 147, 151, General Cir., Sept. 1879, p 21.

SEC. 223. If, at any time after the filing of the affidavit, as required in section two hundred and thirteen, and before the expiration of the five years mentioned in section two hundred and sixteen, it is proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the government.

When lands entered for homestead revert to Government.

Provided, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe. *

Time that may be allowed settler.

12 Stat. 193; 18 id 294; 19 id 36; R. S. 2297. Decisions Sec. Int. Oct. 16, 1870; April 18, 1871, Copp's L. L. 254; April 28, 1871, 1 Copp's L. O. 36; June 2, 1871, Copp's L. L. 234; June 11, 1871, id 236; June 20, 1871, 1 Copp's L. O. 114; Aug. 14, 1872, Copp's L. L. 258; Oct. 23, 1872, id 254; Dec. 10, 1872, id 258; Dec. 9, 1874, 1 Copp's L. O. 143; Dec. 11, 1874, 1 id 148; Feb. 3, 1875, Aug. 5, 1875, 2 Copp's L. O. 83; Nov. 27, 1875, 2 id 133; Dec. 4, 1875, 1 id 131; April 11, 1876, 3 id 21; May 8 1876; Jan. 15, 1877, 3 id 164; May 14, 1878. Decisions Com. G. L. O., Dec. 18, 1867, Zab. L. L. 162; May 23, 1868, id 166; Aug. 6, 1868, id 167; July 11, 1871; March 11, 1874, 1 Copp's L. O. 19; April 15, 1874, 1 id 20; July 25, 1874, 1 id

* This proviso is an amendment of March 3, 1881. See 21 Stat. at Large p. 511.

92; Dec. 15, 1874, Copp's L. L. 251; March 27, 1875, 2 Copp's L. O. 34; Dec. 1875, 2 id 148; Feb. 7, 1876, 3 id 3; April 13, 1876, 3 id 19; Oct. 18, 1876, 3 id 142; May 28, 1877, 4 id 51; July 6, 1877, 4 id 168; Jan. 19, 1878, 6 id 125; Nov. 1, 1878, 5 id 147; June 7, 1879, 6 id 153; Cir. G. L., Oct. 30, 1862, Zab. L. L. 147, 151; Sept. 14, 1868, id 158; June 25, 1869, Copp's L. L. 248; Aug 15, 1872, 1 Copp's L. O. 28; Nov. 15, 1873, Copp's L. L. 250; July 9, 1874, id 259; Jan. 5, 1875, id 261, Jan. 8, 1878, 4 Copp's L. O. 167. General Cir., Sept. 1, 1879, p 14. Rule 27, G. L. O. Rep. 1877, p 101.

Publication of
notice of
contest in
homestead
cases.

SEC. 224. The notices of contest provided by law, under the homestead laws, shall be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land.

20 Stat. 91. Cir. G. L. O., June 12, 1878, 5 Copp's L. O. 101. General Cir., Sept. 1, 1879, p 14.

Notice of
intention to
make final
proof.

SEC. 225. Before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established.

20 Stat. 472. Decisions Com. G. L. O., Aug. 1, 1879, 6 Copp's L. O. 93. Cir. G. L. O., April 15, 1879, 6 Copp's L. O. 45; Jan. 17, 1880 6 id 191. General Cir., Sept. 1, 1879, p 12.

Publication of
notice of entry

SEC. 226. Upon the filing of the notice required by the preceding section, the register shall publish a notice that such application has been made, once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days, the claimant shall be entitled to make proof in the manner provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

20 Stat. 472. General Cir. G. L. O., Sept. 1, 1879, p 12.

SEC. 227. When a homestead claimant shall file a written relinquishment of his claim in the local land office,

the land covered by such claim shall be held open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

Lands covered by relinquished homestead claims subject to entry at once.

21 Stat. 140. Decisions Sec. Int., June 20, 1871, 1 Copp's L. O. 114; Nov. 6, 1878, 5 id 165; Sept. 27, 1879, 6 id 197; June, 22, 1880, 7 id 66. Decisions Com. G. L. O., July 11, 1871, March 27, 1875, 2 Copp's L. O. 34; Aug. 6, 1875, 2 id 99; Aug. 12, 1875, 2 id 99; Oct. 18, 1876, 3 id 114; May 28, 1877, 4 id 57; Dec. 8, 1877. Cir. G. L. O., June 25, 1869, Copp's L. L. 248; April 26, 1870, id 250; June 5, 1872, id 239; Jan. 8, 1878, 4 Copp's L. O. 167; May 25, 1880, 7 id 52. General Cir., Sept. 1, 1879, p 14.

SEC. 228. In all cases where any person has contested, paid the land office fees, and procured the cancellation of any homestead entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter such lands; and the register shall be entitled to a fee of one dollar for giving such notice, to be paid by the contestant, and not to be reported.

Party contesting homestead entry to be allowed thirty days after notice of cancellation to make entry.

21 Stat. 140, 141. Decision Sec. Int., June 20, 1871, 1 Copp's L. O. 114. Decisions Com. G. L. O., July 11, 1871, March 27, 1875, 2 Copp's L. O. 34. Cir. G. L. O., April 26, 1870, Copp's L. L. 250; May 25, 1880, 7 Copp's L. O. 52. General Cir., Sept. 1, 1879, p 14.

SEC. 229. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

Limitation of amount entered for homestead.

12 Stat. 393; R. S. 2298. Decisions Sec. Int., May 19, 1874; Feb. 27, 1875, 2 Copp's L. O. 18; Aug. 25, 1875, 2 id 83. Feb. 6, 1876, 1 id 179; April 4, 1876, 3 id 21; Sept. 4, 1878. Decisions Com. G. L. O., May 15, 1874, 1 Copp's L. O. 35; Sept. 26, 1874, 1 id 99; June 12, 1876, 3 id 69; Jan. 12, 1877, 4 id 107; Dec. 5, 1878, 5 id 147. Cir. G. L. O., Oct. 30, 1862, Zab. L. L. 147, 151. General Cir. Sept. 1, 1879, p 15.

SEC. 230. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

Existing pre-emption rights not impaired.

12 Stat. 393; R. S. 2299. Decisions Sec. Int., June 19, 1872; Aug. 3, 1876, 3 Copp's L. O. 122; Sept. 16, 1879, 6 id 108. Decisions Com. G. L. O., Feb. 5, 1873; Dec. 5, 1876, 3 Copp's L. O. 178. Cir. G. L. O. Zab. L. L. 151.

What minors may have the privileges of this chapter.

SEC. 231. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of any actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

12 Stat. 393; R. S. 2309. Decisions Com. G. L. O., June 23, 1870, 7 Copp's L. O. 25; Sept. 26, 1874, 1 id 99.

Payment before expiration of five years; rights of applicant.

SEC. 232. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section two hundred and twelve, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

12 Stat. 393; R. S. 2301. Perry v Ashby, 5 Neb. 291. Decisions Sec. Int., Nov. 3, 1871, Copp's L. L. 245; Aug. 25, 1875, 2 Copp's L. O. 83; June 1, 1874, 1 id 35. Decisions Com. G. L. O., April 13, 1874, Copp's L. L. 229; April 19, 1874, 1 Copp's L. O. 84; May 15, 1874, 1 id 35; July 15, 1876, 3 id 70; Jan. 12, 1877, 4 id 107; ——— 6 id 153. Cir. G. L. O., Oct. 30, 1862, Zab. L. L. 147, 151. General Cir., Sept. 1, 1879, p 15.

No distinction on account of race or color, etc.

SEC. 233. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

14 Stat. 67; R. S. 2302.

What lands disposed of only as homesteads.

SEC. 234. [*All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.*—R. S. 2303.]

Disposition of lands in certain States.

Section two thousand three hundred and three of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law is hereby repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right,

complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect, shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this section, shall be offered at public sale, as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.

14 Stat. 67; 19 id 73, 377; R. S. 2303. Decisions Com. G. L. O., June 12, 1877, 4 Copp's L. O. 50. Cir. G. L. O., July 19, 1876, 3 Copp's L. O. 115.

SEC. 235. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer, who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, in compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

17 Stat. 333; R. S. 2304. Decisions Sec. Int., Aug. 25, 1874, 1 Copp's L. O. 99; Sept. 23, 1874, 1 id 99; April 6, 1876; May 27, 1876, 3 Copp's L. O. 53; Aug. 3, 1876, 3 id 122; Nov. 27, 1876, 3 id 164; Jan. 9, 1877, 3 id 164; April 9, 1879; Jan. 3, 1880; 6 Copp's L. O. 190. Decisions Com. G. L. O., Feb. 5, 1873; Nov. 10, 1873, Copp's L. L. 267; Jan. 2, 1874, 1 Copp's L. O. 3; April 14, 1874, 1 id 20; Aug. 4, 1874; Sept. 25, 1874, Copp's L. L. 246; Oct. 27, 1874; Nov. 27, 1874, 1 Copp's L. O. 163; Dec. 19, 1874, Copp's L. L. 271; April 8, 1875, 2 Copp's L. O. 100; April 17, 1875, 2 id 35; June 10, 1875, 3 id 50; May 17, 1876, 3 id

70; Jan. 29, 1877; July 25, 1877, 4 Copp's L. O. 107; Nov. 9, 1878, 5 id 131; Dec. 2, 1878, 5 id 147. Cir. G. L. O., Aug. 9, 1870, Copp's L. L. 273; June 13, 1872, id 263; May 17, 1873, id 273; Sept. 4, 1876, 3 Copp's L. O. 115; Jan. 8, 1878, 4 id 167. General Cir., Sept. 1, 1879, p 17. Rule 25, G. L. O. Rep. 1877, p 101.

Deduction of
military and
naval service
from time, etc.

SEC. 236. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

17 Stat. 333; R. S. 2305. Decisions Sec. Int., Dec. 11, 1874, 1 Copp's L. O. 148; April 9, 1879; Jan. 3, 1880, 6 Copp's L. O. 190. Decisions Com. G. L. O., April 14, 1874, 1 Copp's L. O. 20; Aug. 22, 1874, 1 id 84; Oct. 27, 1874; Dec. 4, 1877, 4 Copp's L. O. 146; Nov. 9, 1878, 5 id 131. Cir. G. L. O., June 13, 1872, Copp's L. L. 263; July 15, 1872, id 275; Feb. 3, 1873, id 276. General Cir., Sept. 1, 1879, p 17.

Persons who
have entered
less than 160
acres, rights of

SEC. 237. Every person entitled, under the provisions of section two hundred and thirty-five, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

17 Stat. 333; R. S. 2306. Decisions Sec. Int., Dec. 5, 1872, Copp's L. L. 277; Aug. 25, 1874, 1 Copp's L. O. 99; Sept. 23, 1874, 1 id 99; Feb. 27, 1875, 2 id 18; Sept. 23, 1875, 2 id 100; April 4, 1876, 3 id 21; May 8, 1876, 3 id 21; May 17, 1876, 3 id 22; May 27, 1876, 3 id 53; June 10, 1876, 3 id 52; July 10, 1876, 3 id 52; Nov. 27, 1876, 3 id 164; Feb. 6, 1878, 4 id 179; April 9, 1879, Sept. 18, 1879, 6 Copp's L. O. 106; Sept. 27, 1879, 6 id 107; Jan. 3, 1880, 6 id 190; March 30, 1880, 7 id 67. Decisions Com. G. L. O., April 27, 1874, 1 Copp's L. O. 35; May 14, 1874, 1 id 163; Oct. 5, 1874, 1 id 114; Oct. 27, 1874, Dec. 10, 1874, 1 Copp's L. O. 163; June 4, 1875, 2 id 50; July 17, 1875, 2 id 82; July 31, 1875 Sept. 27, 1875, 2 Copp's L. O. 99; Nov. 9, 1878, 5 id 131; Dec. 2, 1878, 5 id 147; Dec. 5, 1878, 5 id 147; Aug. 18, 1879, 6 id 106; June 4, 1880, 7 id 87. Cir. G. L. O., June 13, 1872, Copp's L. L. 263; Feb. 5, 1873, id 276; March 28, 1873, id 277; Nov. 3, 1873, id 278; Aug. 5, 1874, id 279; May 22, 1876, 3 Copp's L. O. 52; May 17, 1877, 4 id 37; ———, 1878, 5 id 118. General Cir., Sept. 1, 1879, p 19; Sept. 1, 1879, 6 Copp's L. O. 106.

SEC. 238. In case of the death of any person who would be entitled to a homestead under the provisions of section two hundred and thirty-five, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

Widow and
minor children
of persons
entitled to
homestead, etc

17 Stat. 333, R. S. 2307. *Jarvis v Hoffman*, 43 Cal. 314; *Chant v Reynolds*, 49 id 213; *Perry v Ashby*, 5 Neb. 291. Decisions Com. G. L. O., April 13, 1834; April 14, 1874, 1 Copp's L. O. 20; July 29, 1874, Copp's L. L. 271; Aug. 4, 1874; Sept. 25, 1874, Copp's L. L. 246; Nov. 27, 1874, 1 Copp's L. O. 163; Dec. 15, 1874, Copp's L. L. 272; July 31, 1875; June 12, 1876, 3 Copp's L. O. 69; Jan. 29, 1877; April 9, 1877, 4 Copp's L. O. 38; Dec. 4, 1877, 4 id 146; Nov. 9, 1878, 5 id 131; Dec. 5, 1878, 5 id 147; April 8, 1880, 7 id 24. Cir. G. L. O., June 13, 1872, Copp's L. L. 263. General Cir. Sept. 1, 1879, pp 16, 20.

SEC. 239. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

Actual service
in the Army or
Navy equivalent
to
residence, etc.

17 Stat. 333; R. S. 2308. Decision Sec. Int., April 9, 1879. Decisions Com. G. L. O., Feb. 3, 1880, 6 Copp's L. O. 190. Cir. G. L. O., June 13, 1872, Copp's L. L. 263.

SEC. 240. Every soldier, sailor, marine, officer, or other person coming within the provisions of section two hundred and thirty-five, may, as well by an agent as in person,

Who may
enter by agent

enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

17 Stat. 334: R. S. 2309. Decisions Sec. Int., April 6, 1876; May 17, 1876, 3 Copp's L. O. 22; May 27, 1876, 3 id 53; Aug. 3, 1876, 3 id 122; April 19, 1879; Sept. 27, 1879, 6 Copp's L. O. 107. Decisions Com. G. L. O., April 14, 1874, 1 Copp's L. O. 25; Aug 14, 1874; Nov. 27, 1874, 1 Copp's L. O. 163; April 15, 1875, 2 id 34; July 31, 1875; Jan. 29, 1877; July 25, 1877, 4 Copp's L. O. 107; Aug. 6, 1879, 6 id 93. Cir. G. L. O., June 13, 1872, Copp's L. L. 263; May 17, 1873, id 273; Aug. 5, 1877, id 279; May 22, 1876, 3 Copp's L. O. 52; Sept. 14, 1876, 3 id 115; May 17, 1877, 4 id 37; July 8, 1878, 4 id 167. General Cir., Sept. 1, 1879, p 19. Rules 24 and 25, G. L. O. Rep. 1877, p 101.

Homestead
right extended
to Indians who
sever their
tribal relations

SEC. 241. Any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of said act shall not be held to apply to entries made under this section. The title to lands acquired by any Indian under this section shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall remain inalienable for a period of five years from the date of the patent issued therefor. Any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

18 Stat. 420. Cir. G. L. O., March 25, 1875, Copp's L. L. 384. General Cir., Sept. 1, 1879, p 20.

Certain Indian
homesteads
confirmed.

SEC. 242. In all cases in which Indians have heretofore entered public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the

Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the preceding section, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall issue thereon; subject, however, to the restrictions and limitations contained in the preceding section in regard to alienation and incumbrance.

18 Stat. 420. Cir. G. L. O., March 25, 1875, Copp's L. L. 284. General Cir., Sept. 1, 1879, p 20.

SEC. 243. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the directions of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

Chiefs, etc., of
Stockbridge
Munsees,
homestead
rights of.

13 Stat. 562; R. S. 2310. Decision Sec. Int., Feb. 11, 1870, Copp's L. L. 283. Cir. G. L. O., April 1, 1870, Copp's L. L. 283.

SEC. 244. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section.

Exemption of
homestead of
Stockbridge
Munsees.

13 Stat. 562; R. S. 2311.

SEC. 245. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section two hundred and forty-three, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads

Stockbridge
Munsees
becoming
citizens.

and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and henceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

13 Stat. 562; R. S. 2312. Decision Sec. Int., Feb. 11, 1870, Copp's L. L. 283. Decision Com. G. L. O., April 1, 1870, Copp's L. L. 283.

Unsold lands
of the Ottawa
and Chippewa
Indians, how
opened for
homesteads.

SEC. 246. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes, who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

17 Stat. 381; 18 id 516; 19 id 55; R. S. 2313.

Selections for
minors under
preceding
section.

SEC. 247. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as heirs of any Indian.

17 Stat. 381; 18 id 516; 19 id 55; R. S. 2314.

Bona fide
settlers on
above lands
prior to, etc.

SEC. 248. All actual, permanent, bona fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws or to pay for at the

minimum or double-minimum price, as the case may be, not exceeding one hundred and sixty acres of the former or eighty acres of the latter class of land, on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

17 Stat. 381; 18 id 567; 19 id 55; R. S. 2315.

SEC. 249. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

Certain lands to be patented to Indians making selection.

17 Stat. 381; 18 id 516; 19 id 55; R. S. 2316.

SEC. 250. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

Cultivation of trees on homestead tracts.

17 Stat. 606; 18 id 21, 481, 516; 19 id 54; R. S. 2317. Cir. G. L. O., Oct. 30, 1873, Copp's L. L. 646.

SEC. 251. From and after March three, eighteen hundred and seventy-nine, the even sections within the limits of any grant of public lands to any railroad company, or to any military-road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler; and any person who has, under existing laws, taken a homestead on any even section within the limits of any railroad or military-road grant, and who, by existing laws, shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining

Entry of 160 acres of double-minimum lands allowed after March 3, 1879. Additional entry of adjoining lands allowed. New entry, when allowed.

the land embraced in his original entry, if such additional land be subject to entry; or, if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this section until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Proviso.

20 Stat. 472. Decisions Sec. Int., Sept. 23, 1875, 2 Copp's L. O. 100; Sept. 27, 1879, 6 id 107. Decisions Com. G. L. O., July 30, 1879, 6 Copp's L. O. 106; April 22, 1880, 7 id 125. Cir. G. L. O., March 24, 1879, 6 Copp's L. O. 28; May 21, 1879, 6 id 138; Sept. 20, 1879, 6 id 124. General Cir., Sept. 1, 1879, pp 10, 15.

Homestead claimants or their assignees may purchase lands at \$1.25 per acre in certain cases.

SEC. 252. Persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the right of those having so entered for homesteads may have been attempted to be transferred by bona fide instrument in writing, may entitle themselves to said lands by paying the government price therefor, and in no case less than one dollar and twenty-five cents per acre, and the amount heretofore paid the government upon said lands shall be taken as part payment of said price: *Provided*, This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

Proviso

21 Stat. 237, 238. Decision Sec. Inf., Sept. 23, 1875, 2 Copp's L. O. 100. Decision Com. G. L. O., 6 Copp's L. O. 189. Cir. G. L. O., July 17, 1880, 7 Copp's L. O. 89.

SEC. 253. All homestead entries, or entries in compliance with any law of the United States, of the public lands,

made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

Confirmation of homestead entries within railroad limits made prior to receipt of notice of withdrawal at local office.

19 Stat. 35, 36. Op. Att. Gen., Aug. 4, 1876, in manuscript. Cir. G. L. O., Aug. 14, 1876, 3 Copp's L. O. 119.

SEC. 254. When at the time of such withdrawal, as stated in the preceding section, valid homestead claims existed upon any lands within the limits of any such grants which afterwards were abandoned, and, under the decisions and rulings of the Land department, were re-entered by homestead claimants who have complied with the laws governing homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

Lands within railroad grants re-entered by claimants after abandonment.

19 Stat. 35, 36. Decision Sec. Int., April 28, 1871, 1 Copp's L. O. 30.

SEC. 255. All such homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such a claim to a patent therefor.

Homestead entries made after expiration of land grant confirmed.

19 Stat. 35, 36.

NOTE.—See section 210 for authority of homestead claimants to convey lands for church, cemetery, and school purposes, and for right of way for railroads.

DESERT LANDS.

SECTION.

426 Desert lands may be purchased.
 Declaration. Right to use
 water. Water on public lands
 to be free. Contents of de-
 claration. Perfection of title.
 Limitation upon quantity.

SECTION.

427 Definition of desert lands.
 428 Localities to which the law ap-
 plies.

Desert lands
 may be pur-
 chased.

Declaration.

Right to use
 water.

Water on pub-
 lic lands to be
 free.

Contents of
 declaration.

Perfection of
 title.

Limitation
 upon quantity.

SEC. 426. It shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty-five cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter, *Provided, however*, That the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation; and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all, lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him. *Provided*, That no person shall be permitted to enter more than one

tract of land and not to exceed six hundred and forty acres which shall be in compact form.

18 Stat. 497; 19 id 377. Decisions Sec. Int., Feb. 11, 1880, 7 Copp's L. O. 8; April 15, 1880, 7 id 26. Decisions Com. G. L. O., April 8, 1875, 2 Copp's L. O. 44; ——— 6 id 192; March 30, 1880, 7 id 26. Cir. G. L. O., March 12, 1877, 4 Copp's L. O. 22; June 25, 1878, 5 id 78; Oct. 1, 1878; July 16, 1879, 6 Copp's L. O. 76. General Cir., Sept. 1, 1879, p 27. For authorities relating to water rights see sec. 422.

SEC. 427. All lands exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

Definition of
desert lands.

18 Stat. 497; 19 id 377.

SEC. 428. This chapter shall only apply to and take effect in the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

Localities to
which the law
applies.

18 Stat. 497; 19 id 377.

TIMBER AND TIMBER CULTURE.

SECTION.

- 256 Timber on mineral lands may be taken for certain purposes. Permission to take not extended to railroad companies.
- 257 Duty of register and receiver to report unauthorized taking.
- 258 Penalty for unauthorized taking.
- 259 Timber and stone lands in California, Oregon, etc., to be sold.
- 260 Application for purchase. False swearing.
- 261 Publication of application. Facts to be proved. Objections to patent.
- 262 Cutting timber unlawfully; penalty.
- 263 Certain prosecutions, relief from.
- 264 Repeals.
- 265 Live-oak and red-cedar lands.
- 266 Selection of live-oak and red-cedar tracts.
- 267 Protection of live-oak and red-cedar timber.
- 268 Cutting or destruction of live-oak or red-cedar; penalty.
- 269 Vessels employed in carrying away live-oak and red-cedar; forfeiture of.
- 270 Clearance of vessels laden with live-oak; prosecution of deprecators.
- 271 Secretary of Navy to ascertain what reserved lands not required for naval purposes.
- 272 Lands not required, to be certified to Secretary of Interior and thereafter to be subject to entry and sale. Preference right of purchase for certain parties.

SECTION.

- 273 Cutting or injuring trees on lands of United States or reserved or purchased for public uses; punishment.
- 274 Authority to condone trespasses committed prior to March 1, 1879.
- 275 Timber-culture entries. Patents to issue for lands cultivated in timber at expiration of eight years. Only one-quarter of a section to be entered, and but one entry allowed.
- 276 Oath on application for entry.
- 277 Number of acres to be broken and planted annually. Time extended in case of destruction by grasshoppers or drouth.
- 278 Proof of cultivation, final certificate, and patent.
- 279 Right to be forfeited on failure to comply with the law.
- 280 Land not liable for prior debts.
- 281 Commissioner to make regulations. Fees of registers and receivers.
- 282 False oath constitutes perjury.
- 283 Entries under former laws, how perfected.
- 284 Publication of notice of contest.
- 285 Lands relinquished by timber-culture claimants subject to re-entry at once.
- 286 Contestants of timber-culture entries allowed thirty days after notice of cancellation to make entry.

Timber on mineral lands may be taken for certain purposes.

SEC. 256. All citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such

citizens or persons may be at the time bona fide residents, subject to such rules and regulation as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, That the foregoing provisions shall not extend to railroad corporations.

Permission to
so take not
extended to
railroad
companies.

20 Stat. 88. U. S. v Nelson, 5 Saw. C. C. 68. 1 Op. Att. Gen. 471, 475. Rogers v Soggs, 22 Cal. 444. Cir. G. L. O., Aug. 15, 1878, 6 Copp's L. O. 21.

SEC. 257. It shall be the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized in the preceding section, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact, and all necessary expenses incurred in making such proper examination shall be paid and allowed such register and receiver in making up their next quarterly accounts.

Duty of reg-
ister and re-
ceiver to
report upon
unauthorized
taking.

20 Stat. 88. Cir. G. L. O., Aug. 15, 1878, 6 Copp's L. O. 21.

SEC. 258. Any person or persons, who shall violate the provisions of the two next preceding sections, or any rules and regulations in pursuance thereof, made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.

Penalty for
unauthorized
taking.

20 Stat. 89. Cotton v U. S., 11 How. 229; Hutchins v King, 1 Wall. 53; Schulenberg v Harriman, 21 id 44. U. S. v Nelson, 5 Saw. C. C. 68. 1 Op. Att. Gen. 194, 471, 475. Cir. G. L. O., Aug. 15, 1878, 6 Copp's L. O. 21.

SEC. 259. Surveyed public lands of the United States within the States of California, Oregon, and Nevada, and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but, unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared

Timber and
stone lands in
California,
Oregon etc.,
to be sold.

Proviso.

their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes. *And provided, further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

14 Stat. 251; 20 id 89; R. S. 2339, 2340, 2341. *McFarland v Culbertson*, 2 Nev. 280; *Peck v Brown*, 5 id 81; *Eureka Mg. Co. v Way*, 11 id 171. Decision Com. G. L. O., June 6, 1874, 1 Copp's L. O. 58. Cir. G. L. O., May 1, 1880, 7 Copp's L. O. 26.

Application
for purchase.

SEC. 260. Any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not,

directly or indirectly, made any agreement or contract in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated, and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void.

20 Stat. 89. Cir. G. L. O., May 1, 1880, 7 Copp's L. O. 26.

SEC. 261. Upon the filing of said statement, as provided in the preceding section, the register of the land office, shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the one hundred and thirty-seventh section, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him,

False swearing in application.

Publication of application.

Facts to be proved.

Objection to patent.

stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

17 Stat. 95; 20 id 89. R. S. 2238, *McFarland v Culbertson*, 2 Nev. 280; *Peck v Brown*, 5 id 81. Cir. G. L. O., May 1, 1880, 7 Copp's L. O. 26.

Cutting timber
unlawfully.

SEC. 262. After the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, in said States and Territory, or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offence a sum not less than one hundred nor more than one thousand dollars: *Provided*, That nothing herein contained shall prevent any miner or agriculturalist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties herein provided shall not take effect until ninety days after the passage of this act.

Penalty

Proviso.

20 Stat. 90. *Cotton v U. S.*, 11 How. 229. *U. S. v McEntee*, U. S. Dist. Ct. Minn., Oct. 1877. Decision Com. G. L. O., Dec. 11, 1878, 6 Copp's L. O. 76. Cir. G. L. O., Aug. 15, 1878, 6 Copp's L. O. 21; May 1, 1880, 7 id 26.

Certain prose-
cutions, relief
from.

SEC. 263. Any person prosecuted in said States and Territory for violating section two hundred and sixty-eight, who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same; *Provided*, That nothing contained in this section shall be con-

Proviso.

strued as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act: *And further provided*, That all moneys collected under this act shall be covered into the Treasury of the United States. And section four thousand seven hundred and fifty-one of the Revised Statutes is hereby repealed, so far as it relates to the States and Territory herein named.

20 Stat. 90, 91. U. S. v Nelson, 5 Saw. C. C. 68. Cir. G. L. O., Aug. 14, 1878, 6 Copp's L. O. 21.

SEC. 264. All acts and parts of acts inconsistent with the provisions of the five preceding sections are repealed.

20 Stat. 90, 91.

SEC. 265. The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the same.

3 Stat. 347, 607; 4 id 242; R. S. 2458. U. S. v Briggs, 9 How. 351. Cir. G. L. O., Aug. 8, 1831, 2 Laws, Instructions, and Opinions, 455.

SEC. 266. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of [any person claiming lands, which may be reserved in the manner herein provided.

3 Stat. 347; R. S. 2459. U. S. v Briggs, 9 How. 351. 2 Op. Att. Gen. 524. Cir. G. L. O., Aug. 8, 1831, 2 Laws, Instructions, and Opinions, 455.

Protection of
live-oak and
red-cedar
timber.

SEC. 267. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

3 Stat. 651; R. S. 2460. *Schulenberg v Harriman*, 21 Wall, 44.

Cutting or
destruction
live-oak or
red-cedar;
penalty.

SEC. 268. If any person shall cut or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use, of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months.

4 Stat. 472; R. S. 2461. *U. S. v Briggs*, 9 How. 351; *Cotton v U. S.*, 11 id 229; *Hutchins v King*, 1 Wall 53; *Schulenberg v Harriman*, 21 id

44. U. S. v McEntee, U. S. Dist. Ct. Minn., Oct. 1877, in manuscript; U. S. v Nelson, 5 Saw. C. C. 68. Kansas v Harrold, 9 Kansas, 194; Stevens v Perrier, 12 id 297; James v Snelson, 3 Mo. 278; Turley v Tucker, 6 id 583; Bower v Higbee, 9 id 259; Keeton v Andsley, 19 id 362; Woodruff v Roberts, 4 La. Ann. 127; Lovett v Noble, 1 Scamm. Ill. 185, 11 Ills. 529; Wincher v Schrewsbury, 2 Scamm. Ills. 284; Rogers v Soggs, 22 Cal. 444. 1 Op. Att. Gen. 194, 471, 475; 2 id 524. Decision Sec. Int., Dec. 26, 1854, 1 Lester's L. L. 629. Decisions Com. G. L. O., Sept. 1, 1865, Zab. L. L. 891; June 29, 1874, 1 Copp's L. O. 102; Dec. 11, 1878, 6 id 76. Cir. G. L. O., Dec. 24, 1855, Zab. L. L. 888; Copp's L. L. 658; 1 Copp's L. O. 102; May 2, 1877, 4 Copp's L. O. 55; Aug. 15, 1878, 6 id 21; June 27, 1879, 6 id 59; May 1, 1880, 7 id 26.

SEC. 269. If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars.

Vessels employed in carrying away live-oak and red-cedar; forfeiture of.

4 Stat. 472; R. S. 2462. 4 Op. Att. Gen. 247, 339, 403.

SEC. 270. It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live-oak growing on the public lands.

Clearance of vessels laden with live-oak; prosecution of depredators.

4 Stat. 647; R. S. 2463. 4 Op. Att. Gen. 403.

Secretary of
Navy to
ascertain what
reserved lands
not required
for naval
purposes.

SEC. 271. The Secretary of the Navy is authorized to cause an examination to be made of the condition of all lands in the State of Florida which have been set apart or reserved for naval purposes, excepting the reservation upon which the navy-yard at Pensacola is located, and to ascertain whether or not such reserved lands are or will be of any value to the Government of the United States for naval purposes.

20 Stat. 470, 471.

Lands not
required, to be
certified to
Secretary of
Interior and
thereafter to
be subject to
entry and sale

SEC. 272. All of said lands which, in the judgment of the Secretary of the Navy, are no longer required for naval purposes shall, as soon as practicable, be certified by him to the Secretary of the Interior, and be subject to entry and sale in the same manner and under the same conditions as other public lands of the United States: *Provided*, That all persons who have, in good faith, made improvements on said reserved lands so certified on the third day of March, eighteen hundred and seventy-nine, and who occupy the same, shall be entitled to purchase the part or parts so occupied and improved by them, not to exceed one hundred and sixty acres to any one person at one dollar and twenty-five cents per acre within such reasonable time as may be fixed by the Secretary of the Interior.

Preference
right of pur-
chase for cer-
tain parties.

20 Stat. 471.

Cutting or
injuring trees
on lands of
United States
reserved or
purchased for
public uses.

SEC. 273. If any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any lands of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offence, pay a fine not exceeding five hundred dollars, or shall be imprisoned not exceeding twelve months: *Provided*, That nothing in this section shall be construed to apply to unsurveyed public lands and to public lands subject to pre-emption and homestead laws, nor to public lands subject to an act to promote the

Punishment.

Proviso.

development of the mining resources of the United States, approved May tenth, eighteen hundred and seventy-two.

18 Stat. 481, 482. U. S. v Briggs, 9 How. 351; Cotton v U. S., 11 id 229; Hutchins v King, 1 Wall. 53. 1 Op. Att. Gen. 194.

SEC. 274. When any lands of the United States, not mineral, shall have been entered and the government price paid therefor in full, no criminal suit or proceeding by or in the name of the United States shall thereafter be had or further maintained for any trespasses upon or for or on account of any material taken from said lands, and no civil suit or proceeding shall be had or further maintained for or on account of any trespasses upon or material taken from the said lands of the United States in the ordinary clearing of land, in working a mining claim, or for agricultural or domestic purposes, or for maintaining improvements upon the land of any bona fide settler, or for or on account of any timber or material taken or used by any person without fault or knowledge of the trespass, or for or on account of any timber taken or used without fraud or collusion by any person who, in good faith, paid the officers or agents of the United States for the same, or for or on account of any alleged conspiracy in relation thereto: *Provided*, That the provisions of this section shall apply only to trespasses and acts done or committed and conspiracies entered into prior to March first, eighteen hundred and seventy-nine: *And provided further*, That defendants in such suits or proceedings shall exhibit to the proper courts or officer the evidence of such entry and payment, and shall pay all costs accrued up to the time of such entry.

Authority to condone trespasses committed prior to March 1, 1879.

Proviso.

Act of June 15, 1880. U. S. v McEntee, U. S. Dist. Ct. Minn., Oct. 1877, in manuscript. Decision Com. G. L. O., June 29, 1874, 1 Copp's L. O. 152. Cir. G. L. O., July 17, 1880, 7 Copp's L. O. 89.

SEC. 275. The act entitled "An act to amend the act entitled 'An act to encourage the growth of timber on western prairies,'" approved March thirteenth, eighteen hundred and seventy-four, is amended to read as follows: That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United

Timber-culture entries.

Patents to issue for land cultivated in timber at expiration of eight years.

Only one quarter of a section to be entered, and but one entry allowed.

States, who shall plant, protect and keep in a healthy, growing condition for eight years ten acres of timber, on any quarter-section of any of the public lands of the United States, or five acres on any legal subdivision of eighty acres, or two and one-half acres on any legal subdivision of forty acres or less, shall be entitled to a patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses, and a full compliance of the further conditions as provided in the next section: *Provided*, That not more than one quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this law.

20 Stat. 113, 114, 115. Decisions Sec. Int., July 31, 1876, 3 Copp's L. O. 73; Aug. 3, 1876, 3 id 122; Jan. 4, 1877, 3 id 181; Sept. 24, 1877, 4 id 134; Feb. 12, 1879, 6 id 22; Aug. 23, 1879, 6 id 113; Sept. 12, 1879; Dec. 4, 1879, 6 Copp's L. O. 153; April 30, 1880, 7 id 39. Decisions Com. G. L. O., June 10, 1873, Copp's L. L. 657; June 24, 1877, id 652; June 6, 1874, id 653; 1 Copp's L. O. 58; June 20, 1874, Copp's L. L. 658; June 30, 1874, id 656; Aug. 4, 1874, id 654; 1 Copp's L. O. 92; Aug. 17, 1874, 1 Copp's L. O. 92; Oct. 23, 1874, Copp's L. L. 655; 2 Copp's L. O. 39; Dec. 11, 1874, 6 Copp's L. O. 174; Aug. 16, 1875, 2 id 86; March 27, 1876, 3 id 3; June 30, 1876, 3 id 73; July 6, 1876, 3 id 71; July 6, 1876, 3 id 71; July 17, 1876, 3 id 72; Dec. 12, 1876, 3 id 172; Jan. 27, 1877, 3 id 179; April 9, 1877, 4 id 162; July 25, 1877, 4 id 85; Dec. 18, 1879, 6 id 154; March 16, 1880, 7 id 6; April 15, 1880, 7 id 25; May 18, 1880, 7 id 39. Cir. G. L. O., May 3, 1876, 3 Copp's L. O. 35; June 27, 1878, 5 id 77; —, 1878, 5 id 118. General Cir., Sept. 1, 1879, pp 23, 26.

Oath on application for entry.

SEC. 276. The person applying for the benefits of this law shall, upon application to the register of the land district in which he or she is about to make such entry, make affidavit, before the register or receiver, or the clerk of some court of record, or officer authorized to administer oaths in the district where the land is situated; which affidavit shall be as follows, to wit: I, —, having filed my application, number —, for an entry under the provisions of an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies,'" approved —, 187—, do solemnly swear (or affirm) that I am the head of a family (or over twenty-one years of age), and a citizen of the United States (or have declared my intention

to become such); that the section of land specified in my said application is composed exclusively of prairie lands, or other lands devoid of timber; that this filing and entry is made for the cultivation of timber, and for my own exclusive use and benefit; that I have made the said application in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons whatsoever; that I intend to hold and cultivate the land, and to fully comply with the provisions of the law; and that I have not heretofore made an entry under the timber-culture laws.

20 Stat. 113, 114, 115. Decisions Sec. Int., May 15, 1876, 3 Copp's L. O. 38; July 31, 1876, 3 id 73; Jan. 4, 1877, 3 id 181; Sept. 24, 1877, 4 id 134; Sept. 12, 1879. Decisions Com. G. L. O., June 6, 1874, Copp's L. L. 653; 1 Copp's L. O. 58; Aug. 6, 1874, Copp's L. L. 654; Oct. 23, 1874, id 655; 2 Copp's L. L. 38; Dec. 11, 1874; Jan. 24, 1879; Dec. 18, 1879, 6 Copp's L. O. 154. Cir. G. L. O., Jan. 8, 1878, 4 Copp's L. O. 167; June 27, 1878, 5 id 77; ———, 1878, 5 id 118. General Cir. G. L. O., Sept. 1, 1879, p 25.

SEC. 277. Upon filing said affidavit with the register and receiver and on payment of ten dollars, if the tract applied for is more than eighty acres, and five dollars if it is eighty acres or less, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter-section shall be required to break or plow five acres covered thereby the first year, five acres the second year, and to cultivate to crop or otherwise the five acres broken or plowed the first year; the third year he or she shall cultivate to crop or otherwise the five acres broken the second year, and to plant in timber, seeds, or cuttings the five acres first broken or plowed, and to cultivate and put in crop or otherwise the remaining five acres, and the fourth year to plant in timber, seeds, or cuttings the remaining five acres. All entries of less quantity than one quarter-section shall be plowed, planted, cultivated and planted to trees, tree-seeds, or cuttings, in the same manner and in the same proportion as hereinbefore provided for a quarter-section: *Provided, however,* That in case such trees, seeds or cuttings shall be destroyed by grasshoppers, or by extreme and unusual drouth for any year or term of years, the time for planting such trees, seeds, or cuttings shall be extended one year for every such year that they are so destroyed:

Number of
acres to be
broken and
planted
annually.

Time extended
in case of
destruction by
grasshoppers
or drouth.

Provided, further, That the person making such entry shall, before he or she shall be entitled to such extension of time, file with the register and the receiver of the proper land office an affidavit, corroborated by two witnesses, setting forth the destruction of such trees, and that, in consequence of such destruction, he or she is compelled to ask an extension of time, in accordance with the provisions of this law.

20 Stat. 113, 114, 115. Decisions Sec. Int. May 17, 1876, 3 Copp's L. O. 38; Dec. 23, 1876, 3 id 180; April 2, 1877, 4 id 21; May 29, 1878, 5 id 87; Dec. 4, 1879, 6 id 153; April 30, 1880, 7 id 39; May 31, 1880, 7 id 39. Decisions Com. G. L. O., June 24, 1873, Copp's L. L. 652; July 25, 1874, id 653; 1 Copp's L. O. 92; Aug. 4, 1874, Copp's L. L. 654; Dec. 11, 1874; Jan. 21, 1875, 1 Copp's L. O. 171; Feb. 11, 1875, Copp's L. L. 654; 1 Copp's L. O. 181; June 28, 1875, 2 Copp's L. O. 54; July 1, 1875, 2 id 54; Sept. 27, 1875, 2 id 100; Dec. 3, 1875, 2 id 133; July 6, 1876, 3 id 72; July 17, 1876, 3 id 71; April 9, 1877, 4 id 162; July 18, 1877, 4 id 162; July 24, 1877, 4 id 85; Jan. 24, 1879; May 18, 1880, 7 Copp's L. O. 39. Cir. G. L. O., April 6, 1874, Copp's L. L. 649; 1 Copp's L. O. 26. General Cir. G. L. O., Sept. 1, 1879, pp 25, 27.

Proof of cultivation, final certificate, and patent.

SEC. 278. No final certificate shall be given, or patent issued, for the land so entered until the expiration of eight years from the date of such entry; and if, at the expiration of such time, or at any time within five years thereafter, the person making such entry, or, if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses that he or she or they have planted, and, for not less than eight years, have cultivated and protected such quantity and character of trees as aforesaid; that not less than twenty-seven hundred trees were planted on each acre and that at the time of making such proof that there shall be then growing at least six hundred and seventy-five living and thrifty trees to each acre, they shall receive a patent for such tract of land.

20 Stat. 113, 114, 115. Decisions Sec. Int., Dec. 23, 1876, 3 Copp's L. O. 180; Nov. 14, 1877, 4 id 134; Dec. 22, 1877, 5 id 21; Sept. 17, 1878, 5 id 119; April 30, 1880, 7 id 39. Decisions Com. G. L. O., June 24, 1873, Copp's L. L. 652; Feb. 11, 1875, id 654; March 11, 1875, id 655; March 23, 1875, id 656; June 28, 1875, 2 Copp's L. O. 54; July 1, 1875, 2 id 54; Sept. 2, 1875, 2 id 117; Dec. 3, 1875, 2 id 134; March 10, 1877, 4 id 162; Jan. 8, 1878, 4 id 167; May 18, 1880, 7 id 39. Cir. G. L. O., June 27, 1878, 5 Copp's L. O. 77. General Cir. G. L. O., Sept. 1, 1879, p 24.

SEC. 279. If at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the

claimant shall fail to comply with any of the requirements of this law, then and in that event such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this law: *Provided*, That the party making claim to said land, either as a homestead settler, or under this law, shall give at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office; and the rights of the parties shall be determined as in other contested cases.

Right to be forfeited on failure to comply with the law.

Provido.

20 Stat. 113, 114, 115. Decisions Sec. Int., March 19, 1877, 4 Copp's L. O. 21; May 28, 1877, 4 id 54; Sept. 17, 1878, 5 id 119; Aug. 23, 1879, 6 id 113; March 4, 1880, 7 id 39; May 31, 1880, 7 id 39. Decisions Com. G. L. O., June 30, 1874, Copp's L. L. 656; Dec. 11, 1874, 6 Copp's L. O. 174; March 11, 1875, Copp's L. L. 655; March 23, 1875, id 656; March 25, 1875, id 657; Oct. 30, 1875, 2 Copp's L. O. 117; Feb. 18, 1876, 2 id 180; May 11, 1876, 3 id 22; July 20, 1876, 3 id 72; March 30, 1877, 4 id 76; July 13, 1877, 4 id 77; Dec. 4, 1877, 4 id 149; Nov. 1, 1878, 5 id 147; March 4, 1879, 6 id 126; Oct. 22, 1879; Feb. 17, 1880; April 15, 1880, 7 Copp's L. O. 25. Cir. G. L. O., Dec. 28, 1877, 4 id 166; June 27, 1878, 5 id 77; —, 1878. 5 id 118. General Cir. G. L. O., Sept. 1, 1879, pp 25, 27.

SEC. 280. No land acquired under the provisions of this law shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

Land not liable for prior debts

20 Stat. 113, 114, 115. Cir. G. L. O., June 27, 1878, 5 Copp's L. O. 77. General Cir. G. L. O., Sept. 1, 1879, p 25.

SEC. 281. The Commissioner of the General Land Office is required to prepare and issue such rules and regulations, consistent with this law, as shall be necessary and proper to carry its provisions into effect; and the registers and receivers of the several land offices shall each be entitled to receive two dollars at the time of entry, and the like sum when the claim is finally established and the final certificate issued.

Commissioner to make regulations.

Fees of registers and receivers.

20 Stat. 113, 114, 115.

SEC. 282. The fifth section of the act entitled "An act in addition to an act to punish crimes against the United States, and for other purposes," approved March third, eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

False oath constitutes perjury.

11 Stat. 250; 20 id 113, 114, 115; R. S. 5392. Cir. G. L. O., June 27, 1878, 5 Copp's L. O. 77. General Cir. G. L. O., Sept. 1, 1879, p 26.

Entries under former laws, how perfected.

SEC. 283. Parties who have already made entries under the acts approved March third, eighteen hundred and seventy-three, and March thirteenth, eighteen hundred and seventy-four, shall be permitted to complete the same upon full compliance with the provisions of this chapter; that is, they shall, at the time of making their final proof, have had under cultivation, as required by this chapter, an amount of timber sufficient to make the number of acres required by this chapter; and all laws and parts of laws in conflict with the provisions of this chapter are hereby repealed.

17 Stat. 605; 18 id 21; 20 id 113, 114, 115. Decision Sec. Int., March 17, 1879, 6 Copp's L. O. 21. Decisions Com. G. L. O., Feb. 14, 1879, 6 Copp's L. O. 22; April 1, 1879, 6 id 126. Cir. G. L. O., June 27, 1878, 5 Copp's L. O. 77. General Cir. G. L. O., Sept. 1, 1879, p 24.

Publication of notices of contest.

SEC. 284. The notices of contest provided by law under the tree-culture laws shall be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land.

20 Stat. 91. Cir. G. L. O., June 12, 1878, 5 Copp's L. O. 101.

Lands relinquished by timber-culture claimants subject to entry at once.

SEC. 285. When any timber-culture claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

Act of May 14, 1880. Decisions Com. G. L. O., Nov. 5, 1875, 2 Copp's L. O. 133; July 18, 1877; Aug. 18, 1877, 4 id 85; Nov. 1, 1873, 5 id 147; March 3, 1880.

Contestant of timber-culture entry allowed 30 days after notice of cancellation to make entry.

SEC. 286. In all cases where any person has contested, paid the land office fees, and procured the cancellation of any timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands; and the register shall be entitled to a fee of one dollar for the giving of such notice, to be paid by the contestant, and not to be reported.

Act of May 14, 1880. Decisions Sec. Int., March 29, 1877, 3 Copp's L. O. 21; May 28, 1877, 3 id 54.

NOTE.—The following acts authorizing settlers upon the public lands under the pre-emption, homestead, and timber-culture laws, whose crops were destroyed by grasshoppers, to absent themselves temporarily from their lands, and extending the time for making final proof, have been passed from time to time by Congress, viz: 18 Stat. 81; 19 id 54, 55, 59, 405; 20 id 88, 169; act of June 4, 1880.

TOWN SITES AND COUNTY SEATS.

SECTION.	SECTION.
289. Town or city sites on public lands.	299. Not more than 2,560 acres to be reserved for town site.
290. When towns established upon unsurveyed lands, extension limits, how adjusted.	300. Certain entries within town sites confirmed.
291. When transcript maps of town are not filed in twelve months; proceedings by Secretary of Interior.	301. Where town site exceeds maximum, authorities to select lands to be retained, or Commissioner may take testimony and restrict limits. Copies of acts incorporating towns, how furnished.
292. Where size of lots or town plat vary from general rule.	302. Certain acts of trustees to be void.
293. Title to lots subject to mineral rights.	303. Pre-emptions by counties for seats of justice.
294. Entry of town authorities in trust for occupants.	304. No title acquired to gold mines, etc., or to mining claim, etc.
295. Entry under preceding section, When to be made	305. Military or other reservations, etc.
296. Entry in proportion to number of inhabitants.	306. Inhabitants of towns on public lands, right of, to enter.
297. Authorities of Salt Lake City, rights of, as to entry.	
298. Additional entry allowed where town has entered less than maximum.	

Town or city
sites on public
lands.

SEC. 289. In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within

the limits of an organized land district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the General Land Office, it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale.

13 Stat. 343; R. S. 2332. *Towsley v Johnson*, 1 Neb. 95; *Nevada v Rhodes*, 4 Nev. 312; *Robinson v Imperial Silver*, etc., 5 id 44; *Bell v The Bed Rock Tunnel Mining Co.*, 36 Cal. 214. Decision Com. G. L. O., April 4, 1868, Zab. L. L. 196. Cir. G. L. O., Aug. 20, 1864, Zab. L. L. 179; *Copp's L. L.* 661; Oct. 2, 1865, *Copp's L. L.* 678.

SEC. 290. When such cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

13 Stat. 344; R. S. 2333.

SEC. 291. If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the General Land Office a transcript map, with the statement and testimony called for by the provisions of section two hundred and eighty-nine, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be

When towns established upon unsurveyed lands, extension limits, how adjusted.

When transcript maps of town are not filed in twelve months, proceedings by Secretary of the Interior.

at an increase of fifty per centum on the minimum of ten dollars per lot.

13 Stat. 344; R. S. 2384.

Where size of
lots or town
plat vary from
general rule.

SEC. 292. In the case of any city or town, in which the lots may be variant as to size from the limitation fixed in section two hundred and eighty-nine, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town, which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish.

13 Stat. 530; R. S. 2385. Cir. G. L. O., April 26, 1865, Zab. L. L. 181; Copp's L. L. 664; Oct. 20, 1865, Copp's L. L. 678.

Title to lots
subject to
mineral rights

SEC. 293. Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States.

13 Stat. 530; R. S. 2386. Decision Sec. Int., March 4, 1879, 6 Copp's L. O. 3. Decisions Com. G. L. O., June 16, 1874, Copp's L. L. 698; Dec. 3, 1875, 2 Copp's L. O. 150; Oct. 27, 1876, 3 id 114; Nov. 23, 1876, 3 id 131; April 9, 1877, 4 id 46.

Entry of town
authorities in
trust for
occupants.

SEC. 294. Whenever any portion of the public lands have been or may be settled upon and occupied as a town site not subject to entry under the agricultural pre-emption laws it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which

trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

14 Stat. 541; 18 id 254; R. S. 2337. *Dredge v Forsyth*, 2 Black, 563; *Hussy v Smith*, 9 Otto, 20; *Stringfellow v Cain*, 9 id, 610; *Cannon v. Pratt*, 9 id 619. *Root v. Shields*, 1 Woolw. C. C. 340; *Chapman v School Dist. 1*, 1 Deady, C. C. 108. *Cush v Spalding*, 6 Mich, 193; *Clark v Roy*, 20 Wis. 478. *Perry v Superior City*, 26 id 66; *Leech v Ranch*, 3 Minn. 443 *Castner v Gunther*, 6 id 63. *Weisberger v Tenney*, 8 id 456; *Cathcart v Kortum*, 11 id 45. *City of Winona v Huff*, 11 id 119; *Carson v Smith*, 12 id 546; *Coy v Coy*, 15 id 119; *Mankato v Meagher*, 17 id 265; *Tecumseh Townsite Lease*, 3 Neb. 267; *Burbank v Ellis*, 7 id 156; *Winfield Town Co. v Morris*, 11 Kansas, 128; *Independent Town Co. v DeLong*, 11 id 152; *Sherry v Sampson*, 11 id 611; *MacTaggart v Harrison*, 12 id 62. *Setter v Avery*, 15 id 157; *Allen v Houston*, 21 id 194. *Treadway v Wilder*, 8 Nev. 91; *Lecker v Chapin*, 12 id 65; *Hussey v Smith*, 1 Utah, 129; *Pratt v Young*, 1 id 347; *Edwards v Tracey*, 2 Montana, 49; *Hall v Ashby*, 2 id 439; *Cofield v McClellan*, 1 Colo. 370. *Clayton v Spencer*, 2 id 378; *Georgetown v Glaze*, 3 id 239; *Tucker v McCoy*, 3 id 284; *Adams v Brinkley*, 4 id 247; *Doll v Meador*, 16 Cal. 296; *Ricks v Reed*, 19 id 551. Decisions Sec. Int., June 30, 1858, 1 Lester's L. L. 435; July 9, 1858, 1 id 435; Sept. 8, 1859, 1 id 443; April 28, 1874, 1 Copp's L. O. 42; June 8, 1875, 2 id 85; June 5, 1876; 3 id 50; July 26, 1876, 3 id 86; April 17, 1877, 4 id 45; April 30, 1878; April 17, 1879. Decisions Com. G. L. O., Oct. 18 1858, 1 Lester's L. L. 437; June 29, 1874, 1 Copp's L. O., 68; July 13, 1874, 1 id 68. Cir. G. L. O., Sept. 21, 1868, Copp's L. L. 678.

SEC. 295. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town site shall be filed with the register of the proper land office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying district in which the lands are situated; who shall transmit the same to the General Land Office.

Entry under preceding section, when to be made.

14 Stat. 541; 18 id 254; R. S. 2388. *Stark v Starrs*, 6 Wall. 402. Decisions Sec. Int., Aug. 18, 1856. 1 Lester's L. L. 431; June 26, 1858, 1 id 432; June 30, 1858, 1 id 435; July 9, 1858, 1 id

435; Nov. 5, 1858, 1 id 441; Nov. 5, 1858, 1 id 442; April 13, 1859, 1 id 442; Sept. 27, 1872, Copp's L. L. 373. Decisions Com. G. L. O., Dec. 7, 1872, 1 Copp's L. O. 6; March 21, 1874, 1 id 7; Oct. 11, 1877, 4 id 132; Aug. 23, 1878. Cir. G. L. O., Sept. 21, 1868, Copp's L. L. 673.

Entry in proportion to number of inhabitants.

SEC. 296. If upon surveyed lands, the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

14 Stat. 541; 18 id 254; 19 id 392; R. S. 2389. Decisions Sec. Int., July 8, 1871, Copp's L. L. 683; July 28, 1871, id 685; Aug. 9, 1871, id 686; June 5, 1876, 3 Copp's L. O. 50; March 19, 1879, 6 id 136. Decision Com. G. L. O., June 29, 1874, 1 Copp's L. O. 68. Cir. G. L. O., Sept. 21, 1868, Copp's L. L. 678.

Authorities of Salt Lake City; rights of, as to entry.

SEC. 297. The words "not exceeding five thousand in all," in the preceding section, shall not apply to Salt Lake City, in the Territory of Utah; but such section shall be so construed in its application to that city that lands may be entered for the full number of inhabitants contained therein, not exceeding fifteen thousand; and as that city covers school-section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefore when a grant is made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes.

16 Stat. 183; 18 id 254; R. S. 2390.

Additional entry allowed where town has entered less than maximum.

SEC. 298. It shall be lawful for any town which has made, or may hereafter make entry of less than the maximum quantity of land named in section two hundred and ninety-six, to make such additional entry, or entries of contiguous tracts, which may be occupied for town purposes as when added to the entry or entries there[to]fore made will

not exceed twenty-five hundred and sixty acres: *Provided*, That such additional entry shall not together with all prior entries be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section.

19 Stat. 392, 393.

SEC. 299. The existence or incorporation of any town upon the public lands of the United States shall not be held to exclude from pre-emption or homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town site under existing laws, unless the entire tract claimed or incorporated as such town site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used for business and municipal purposes.

Not more than 2,560 acres to be reserved for town site.

19 Stat. 392. Decisions Sec. Int., Oct. 1, 1879, 6 Copp's L. O. 109; Oct. 8, 1879, 6 id 110.

SEC. 300. Where entries have been heretofore allowed upon lands afterwards ascertained to have been embraced in the corporate limits of any town, but which entries are or shall be shown, to the satisfaction of the Commissioner of the General Land Office, to include only vacant unoccupied lands of the United States, not settled upon or used for municipal purposes, nor devoted to any public use of such town, said entries, if regular in all respects, are hereby confirmed and may be carried into patent: *Provided*, That this confirmation shall not operate to restrict the entry of any town site to a smaller area than the maximum quantity of land which, by reason of present population, it may be entitled to enter under section two hundred and ninety-six.

Certain entries within town sites confirmed.

Proviso.

19 Stat. 392. Decisions Sec. Int., Oct. 1, 1879, 6 Copp's L. O. 109, Oct. 8, 1879, 6 id 110.

SEC. 301. Whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section two hundred and ninety-nine the Commissioner of the General Land Office may require the authorities of such town, and it

Where town site exceeds maximum, authorities to select lands to be retained, or Commissioner may take testimony and restrict limits.

shall be lawful for them, to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from pre-emption and homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead and pre-emption laws. Upon default of said town authorities to make such selection within sixty days after notification by the commissioner, he may direct testimony respecting the actual location and extent of said improvements, to be taken by the register and receiver of the district in which such town may be situated, and upon receipt of the same, he may determine and set off the proper site according to section two hundred and ninety-nine, and declare the remaining lands open to settlement and entry under the homestead and pre-emption laws; and it shall be the duty of the secretary of each of the Territories of the United States to furnish the surveyor-general of the Territory for the use of the United States a copy duly certified of every act of the legislature of the Territory incorporating any city or town, the same to be forwarded by such secretary to the surveyor-general within one month from date of its approval.

Copies of acts
incorporating
towns, how
furnished.

19 Stat. 392. Decisions Sec. Int., Oct. 1, 1879, 6 Copp's L. O. 109; Oct. 8, 1879, 6 id 110.

Certain acts of
trustees to be
void.

SEC. 302. Any act of the trustees not made in conformity to the regulations alluded to in section two hundred and ninety-four shall be void.

14 Stat. 541; 18 id 254; R. S. 2391. Cathcart v Kortum, 11 Minn. 45; Setter v Avery, 15 Kansas, 157; Treadway v Wilder, 8 Nev. 91; Treadway v Wilder, 9 id 67; Edwards v Tracy, 2 Montana, 49; Hall v Ashby, 2 id 489.

Pre-emptions
by counties for
seats of justice

SEC. 303. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each of such quarter-sections shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom

the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

4 Stat. 50; R. S. 2286. *Whitelaw v Reese*, 4 Oreg. 335.

SEC. 304. No title shall be acquired, under the foregoing provisions of this chapter, to any mine of gold, silver, cinnabar or copper; or to any valid mining claim or possession held under existing laws.

No title acquired to gold mines, etc., or to mining claim, etc.

14 Stat. 541; 15 id 67; 18 id 254; R. S. 2392. *Decision Sec. Int.*, March 4, 1879, 6 Copp's L. O. 3. *Decisions Com. G. L. O.*, April 21, 1874, 1 Copp's L. O. 49; June 16, 1874, Copp's L. L. 698; Dec. 23, 1875, 2 Copp's L. O. 150; Oct. 27, 1876, 3 id 114; Nov. 23, 1876, 3 id 131; April 9, 1877, 4 id 46.

SEC. 305. The provisions of this chapter shall not apply to military or other reservations heretofore made by the United States, nor to reservations for light houses, custom houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land Office by title derived from the Crown of Spain, or otherwise.

Military or other reservations, etc.

14 Stat. 541; 19 id 264; R. S. 2393.

SEC. 306. The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections two hundred and ninety-four, two hundred and ninety-five, and two hundred and ninety-six; and in addition to the minimum price of the lands embracing any townsite so entered, there shall be paid by the parties availing themselves of such provisions, all costs of surveying and platting any such townsite, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited, shall prevent the issuance of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town sites in this chapter set forth.

15 Stat. 67; 18 id 254; R. S. 2394.

MINERAL LANDS.

SECTION.	SECTION.
386 Mineral lands reserved.	403 Verifications of affidavits, etc.
387 Mineral lands open to purchase by citizens.	404 Where veins intersect, etc.
388 Length of mining claims upon veins or lodes.	405 Patents for non-mineral lands, etc.
389 Proof of citizenship.	406 What conditions of sale may be made by local legislature.
390 Locators' rights of possession and enjoyment.	407 Vested rights to use of water for mining, etc.; right of way for canals.
391 Owners of tunnels, rights of.	408 Pre-emption and homestead patents subject to vested and accrued water rights.
392 Subjects upon which miners may make regulations. Conditions same are subject to. What miners' records shall contain. Annual expenditures. Forfeiture and right of re-location. Mode of forfeiture for failure of co-owners to contribute to annual expenditures.	409 Mineral lands in which no valuable mines are discovered open to homesteads.
393 Patents for mineral lands, how obtained. Authority for agents to make applications and affidavits.	410 Mineral lands, how set apart as agricultural lands.
394 Adverse claim, proceedings on.	411 Additional land districts and officers, power of the President to provide.
395 Description of vein claims on surveyed and unsurveyed lands.	412 Provisions of this chapter not to affect certain rights.
396 Pending applications, existing rights.	413 Mineral lands in certain States excepted.
397 Conformity of placer claims to surveys, limit of.	414 Deposits of coal, iron and lead in Missouri and Kansas excepted.
398 Subdivisions of ten-acre tracts; maximum of placer locations.	415 Grants of lands to States or corporations not to include mineral lands.
399 Conformity of placer claims to surveys, limitation of claims.	416 Entry of coal lands.
400 What evidence of possession, etc., to establish a right to a patent.	417 Pre-emption of coal lands.
401 Proceedings for patent for placer claims, etc.	418 Pre-emption claims of coal lands to be presented within sixty days, etc.
402 Surveyor-general to appoint surveyors of mining claims, etc.	419 Only one entry allowed.
	420 Conflicting claims.
	421 Rights reserved.

Mineral lands reserved.

SEC. 386. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

14 Stat. 86; 18 id 476; R. S. 2318. U. S. v Gear, 3 How. 120; Cooper v Roberts, 18 id 73; U. S. v Gratiot, 14 Pet. 526; Sparrow v Strong, 3 Wall. 97; Secretary v McGarrahen, 9 id 298; Morton v Nebraska, 21 id 660; Heydenfeldt v Mining Co., 3 Otto 634. U. S. v Parrott, 1 McAllister, C. C. 272; U. S. v Gratiot, 1 McLean, C. C. 454; Indiana v Miller, 3 id 151. 3 Op. Att. Gen. 277; 5 id 247; 7 id 636; 10 id 184. Heydenfeldt v Mining Co., 10 Nev. 290; Gold Hill Co. v Ish, 5 Oreg. 104; Hicks v Bell, 3 Cal. 219; Stoakes v Barrett, 5 id 36; People v Folsom, 5 id 373; Conger v Weaver, 6 id 548; Nims v Johnson, 7 id

111; *Boggs v Merced Mining Co.*, 14 id 279; *Burdge v Smith*, 14 id 380; *Moore v Smaw*, 17 id 199; *Lentz v Victor*, 17 id 272; *Fremont v Seals*, 18 id 433; *Rogers v Sogg*, 22 id 444; *Rupley v Welch*, 23 id 452; *Doran v Railway Co.*, 24 id 245; *Wixon v Bear River Co.*, 24 id 367; *Ah Yew v Choate*, 24 id 562; *Higgins v Houghton*, 25 id 252; *Morton v Solambo Mining Co.*, 26 id 527; *Alford v Barnum*, 45 id 482; *McLaughlin v Powell*, 50 id 64; *Titcomb v Kirk*, 51 id 288. Decisions Sec. Int., 6 Copp's L. O. 4; 7 id 23. Decisions Com. G. L. O. Copp's Mg. Dec., 303; 2 Copp's L. O. 82; 7 id 4. Cir. G. L. O., April 22, 1880.

SEC. 387. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs and rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

Mineral lands
open to pur-
chase by
citizens.

17 Stat. 91; 19 id 52; R. S. 2319. *Cooper v Roberts*, 18 How. 173; *Sparrow v Strong*, 3 Wall. 97; *Heydenfeldt v Mining Co.*, 3 Otto, 634; *Forbes v Gracey*, 4 id 762. U. S. v Parrott, 1 McAllister, C. C. 271; *Chapman v Toy Long*, 4 Saw. C. C. 28; *Mt. Diablo Mg. Co. v Callison*, 5 Saw. C. C. 439; *Stroud v Railway Co.*, 4 Dillon, C. C. 396. *Hibschle v Gildersleeve*, U. S. Dist. Ct. Colo. 1880, in manuscript. 14 Op. Att. Gen. 115; id Aug. 6, 1876, in manuscript. *Rogers v Cooney*, 7 Nev. 213; *Golden Fleece Co. v Cable Mg. Co.*, 12 id 312; *Territory v Lee*, 2 Montana, 124; *Gold Hill Co. v Ish*, 5 Oreg. 104; *Hicks v Bell*, 3 Cal. 219; *Stokes v Barrett*, 5 id 36; *Tartar v Spring Creek Co.*, 5 id 395; *Bridge v Underwood*, 6 id 45; *Mitchell v Hargood*, 6 id 148; *Conger v Weaver*, 6 id 548; *Crandall v Woods*, 8 id 136; *Weimer v Lowrey*, 11 id 104; *Boggs v Merced Mg. Co.*, 14 id 279; *Henshaw v Clark*, 14 id 461; *Clark v Duval*, 15 id 85; *Smith v Doe*, 15 id 100; *Moore v Smaw*, 17 id 199; *Lentz v Victor*, 17 id 272; *Fremont v Seals*, 18 id 433; *Logan v Discoll*, 19 id 623; *Rupley v Welch*, 23 id 452; *Ensminger v McIntire*, 23 id 593; *Doran v Railway Co.*, 24 id 245; *Richardson v McNulty*, 24 id 339; *Wixon v Bear River Co.*, 24 id 367; *Ah Yew v Choate*, 24 id 562; *Higgins v Houghton*, 25 id 252; *Morton v Solambo Mg. Co.*, 26 id 527; *Gibson v Puchta*, 33 id 310; *Levaroni v Miller*, 34 id 231; *Alfred v Barnum*, 45 id 482; *McLaughlin v Powell*, 50 id 64; *Laird v Waterford*, 50 id 315; *Titcomb v Kirk*, 51 id 288. Decisions Sec. Int., Aug. 26, 1871, Copp's Mg. Dec. 60; Sept. 3, 1872, id 140; Jan 2, 1875, 1 Copp's L. O. 178. Decisions Com. G. L. O., June 7, 1871, Copp's Mg. Dec. 43; July 10, 1873, id 209; July 15, 1873, id 316; July 26, 1873, id 214; May 2, 1874, 1 Copp's L. O. 4; Oct. 23, 1874, 1 id 132; Jan 30, 1875, 1 id 79; June 30, 1875, 1 id 79; Dec 3 1875; April 24, 1876, 3 Copp's L. O. 13; Nov. 13, 1877, 4 id 179; Sept. 30, 1879.

SEC. 388. Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin,

Length of
mining claims
upon veins or
lodes.

copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitations necessary. The end lines of each claim shall be parallel to each other.

17 Stat. 91; 19 id 52; R. S. 2320. *Flagstaff Silver Mg. Co. v Tarbett*, 8 Otto, 463. *The Eureka Case*, 4 Saw. C. C. 302; *Mt. Diablo Mg. Co. v Callison*, 5 id 439. *Mallet v Uncle Sam Co.*, 1 Nev. 188; *State v Rhodes*, 4 id 312; *Foot v National Mg. Co.*, 2 Montana, 402; *Moxon v Wilkinson*, 2 id 421; *Prosser v Parks*, 18 Cal. 47; *Logan v Driscoll*, 19 id 623; *Tunnel Co. v Stranahan*, 31 id 387; *Correa v Frietas*, 42 id 339; *Harvey v Bryan*, 42 id 626; *Titcomb v Kirk*, 51 id 288. *Decision Sec. Int.*, Aug. 26, 1874, 1 Copp's L. O. 83. *Decisions Com. G. L. O.*, Nov. 6, 1869, Copp's Mg. Dec. 23; Sept. 22, 1870, id 32; Aug. 4, 1871, id 57; Aug. 25, 1871, id 59; March 19, 1873, id 164; May 1, 1873, id 195; May 20, 1873, id 201; June 17, 1873, id 207; July 10, 1873, id 209; Nov. 18, 1873, id 235; Feb. 11, 1875, 1 Copp's L. O. 179; Dec. 29, 1875, 2 id 146; Aug. 28, 1876, 3 id 82; May 4, 1880, 7 id 35.

Proof of
citizenship.

SEC. 389. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

17 Stat. 94; 19 id 52; R. S. 2321. *Craig v Bradford*, 3 Wheat. 594; *Gouverneur's heirs v Robertson*, 11 id 332; *Cross v De Valle*, 1 Wall. 1; *Osterman v Baldwin*, 6 id 116; *Phillips v Moore*, 10 Otto, 208. 5 Opp. Attorney Gen. 551; id Aug 6, 1875, in manuscript. *Jackson v Beech*,

Johnson's Cases, 401. Decisions Sec. Int., Jan. 2 1875, 1 Copp's L. O. 178; April 1, 1875, 2 id 2; July 29, 1876, 3 id 68; July 26, 1879, G. L. O. Rep, 1879, p. 157. Decisions Com. G. L. O., June 7, 1871, Copp's Mg. Dec. 43; Aug 13, 1872, id 134; Sept. 17, 1874, 1 Copp's L. O. 98; Oct. 23, 1875, 2 id 114; April 14, 1876; G. L. O. Rep. 1877, p 83; July 18, 1876, 3 Copp's L. O. 69.

SEC. 390. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs, and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another. No possessory action between individuals, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land on which such mines are, is in the United States, but each case shall be adjudged by the law of possession.

Locators' rights of possession and enjoyment.

13 Stat. 441; 17 id 91; 19 id 52; R. S. 910, 2322. Sparrow v Strong, 3 Wall. 97; Heydenfeldt v Mining Co., 3 Otto, 634; Forbes v Gracey, 4 id 762; Jennison v Kirk, 8 id 453; Flagstaff Silver Mg. Co. v Tarbet, 8 id 463. The 420 Mg. Co. v The Bullion Co., 3 Saw. C. C. 634; The Eureka Case, 4 id 302; Chapman v Toy Long, 4 id 28; Kinney v Con. Va. Mg. Co., 4 id 382; Mt. Diablo Mg. Co. v Callison, 5 id 439;

Hibschle v Gildersleeve, U. S. Dist. Ct., Colo., 1880, in manuscript. Hale et al v Story Co., 1 Nev. 104, People v Logan, 1 id 109; Leet v John Dare Mg. Co., 6 id 218; Overman Co. v American Mg. Co., 7 id 312; Golden Fleece Co. v Cable Co., 12 id 312; Lincoln v Rogers, 1 Montana, 217; Nelson v O'Neil, 1 id 284; Bucher v Mulverhill, 1 id 306; Robertson v Smith, 1 id 410; Atkins v Hendree, 1 Idaho, 107; Gold Hill Mg. Co. v Ish, 5 Oreg. 104; Patterson v Hitchcock, 3 Colo. 533; Wolfley v Lebanon Mfg. Co., 3 id 112; Fitzgerald v Urton, 5 Cal. 308; Bridge v Underwood, 6 id 215; Mitchell v Hargood, 6 id 148; Sims v Smith, 7 id 149; Merced Mg. Co. v Fremont, 7 id 317; O'Keiff v Cunningham, 9 id 589; State v Moore, 12 id 56; Merritt v Judd, 14 id 60; Boggs v Merced Mg. Co., 14 id 279; Henshaw v Clark, 14 id 461; Clark v Duval, 15 id 85; Smith v Doe, 15 id 100; Pennsylvania Mg. Co. v Owens, 15 id 135; Esmond v Chew, 15 id 137; Brown v 49 and 56 Co., 15 id 152; Gillan v Hutchinson, 16 id 154; Coryell v Cain, 16 id 567; Attwood v Fricot, 17 id 38; English v Johnson, 17 id 108; Fremont v Seals, 18 id 433; Gore v McBrayer, 18 id 582; Logan v Driscoll, 19 id 623; Tunnel Co. v Stranahan, 20 id 198; Rogers v Soggs, 22 id 444; Gatewood v McLaughlin, 23 id 178; Hughes v Devlin, 23 id 501; Ensminger v McIntire, 23 id 593; Doran v Railway Co., 24 id 245; Richardson v McNulty, 24 id 339; Wixon v Bear River Co., 24 id 367; Higgins v Houghton, 25 id 252; St. John v Kidd, 26 id 264; Depuy v Williams, 26 id 309; Morton v Solambo Mg. Co., 26 id 527; Hess v Winder, 30 id 349; Tunnel Co. v Stranahan, 31 id 387; Hardenburgh v Bacon, 33 id 356; Gibson v Puchta, 33 id 310; Levaroni v Miller, 34 id 231; Hess v Winder, 34 id 270; Pralus v Jefferson Mg. Co., 34 id 559; Pralus v Pacific Mg. Co., 35 id 30; Clark v Willett, 35 id 535; Maine Boys Co. v Boston Co., 37 id 40; Bradley v Lee, 38 id 362; Correa v Frietas, 42 id 339; Harvey v Bryan, 42 id 626; Gregory v Harris, 43 id 38; Stone v Bumpus, 46 id 213; Quirk v Tralk, 47 id 453; Laird v Waterford, 50 id 315; Titcomb v Kirk, 51 id 288; Phoenix Co. v Lawrence, S. C. Cal. 1880, in manuscript. Decisions Com. G. L. O., Sept. 23, 1878, 5 Copp's L. O. 116; May 4, 1880, 7 id 35.

Owners of
tunnels, right
of.

SEC. 391. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

17 Stat. 92; 19 id 52; R. S. 2323. Tunnel C. v Pell, 4 Colo. 507; Titcomb v Kirk, 51 Cal. 288. Decisions Com. G. L. O., Sept. 20, 1872, Copp's Mg. Dec. 144; April 15, 1873, id 193; Aug. 1, 1873, id 215; Nov. 3, 1876, Copp's L. O. 130; Aug. 30, 1877, 4 id 102; Jan. 6, 1878, 5 id 134.

SEC. 392. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year: *Provided*, That the period within which the work required to be done annually on all unpatented claims, so located, shall commence on the first day of January succeeding the date of location of such claim. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the first day of January, eighteen hundred and seventy-five, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and where a person or company has or may run a tunnel for the purposes of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the tenth day of May, eighteen hundred and seventy-two, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act. Upon a failure to comply with the foregoing conditions of annual expenditure, the claim or mine upon which such failure

Subjects upon which miners may make regulations.

Conditions same are subject to.

What miners' records shall contain.

Annual expenditures.

Forfeiture and
right of re-
location.

Mode of
forfeiture for
failure of co-
owners to
contribute to
annual
expenditures.

occurred shall be open to relocation in the same manner as if no location of the same had ever been made; *Provided*, That the original locators, their heirs, assigns, or legal representatives have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety day after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

17 Stat. 92; 18 id 61, 315; 19 id 52; 21 id 61; R. S. 2324.

Location, Record, and Evidence: *Campbell v Rankin*, 9 Otto, 261. *Kinney v Con. Va. Mg. Co.*, 4 Saw. C. C. 382. *Hibschle v Gildersleeve*, U. S. Dist. Ct. Colo. 1880, in manuscript. *Mallett v Uncle Sam Co.*, 1 Nev. 108; *Van Valkenburgh v Huff*, 1 id 142; *Chase v Savage Mg. Co.* 2 id 9; *Rogers v Cooney*, 7 id 213; *Phillpotts v Blasdell*, 8 id 61; *Weill v Lucerne Co.*, 11 id 200; *Golden Fleece Co. v Cable Mg. Co.*, 12 id 312; *Gleason v Martin White Co.*, 13 id 442; *Roberts v Wilson*, 1 Utah, 292; *Connor v McPhee*, 1 Montana, 73; *King v Edwards*, 1 id 235; *Bucher v Mulverhill*, 1 id 306; *Territory v Lee*, 2 id 124; *Moxon v Wilkinson*, 2 id 421; *Murley v Ennis*, 2 Colo. 309; *Sullivan v Hense*, 2 id 424; *Patterson v Hitchcock*, 3 id 533; *Wolfley v Lebanon Co.*, 4 id 112. *Sears v Taylor*, 4 id 38. *Hicks v Bell*, 3 Cal. 219; *Fairbanks v Woodhouse*, 6 id 433; *Live Yankee Co. v Oregon Co.*, 7 id 41; *Packer v Heaton*, 9 id 569; *McGarity v Byington*, 12 id 431; *Water Co. v Mooney* 12 id 534; *Pennsylvania Mg. Co. v Owens*, 15 id 135; *Lombards v Ferguson*, 15 id 372; *Gillan v Hutchinson*, 16 id 154; *Roach v Gray*, 16 id 383; *Attwood v Fricot*, 17 id 33; *English v Johnson*, 17 id 103; *Prosser v Parks*, 18 id 47; *Gore v McBrayer*, 18 id 532; *Downing v Rankin*, 19 id 641; *Tunnel Co. v Stranahan*, 20 id 193; *Kelley v Taylor*, 23 id 11; *Coleman v Clements*, 23 id 245; *Maye v Tappin*, 23 id 306; *Draper v Douglas*, 23 id 347; *Carry v Campbell*, 24 id 634; *St John v Kidd*, 26 id 264; *Morton v Solambo Mg. Co.*, 26 id 527; *Wilson v Cleveland*, 30 id 192; *Hess v Winder*, 30 id 349; *Patterson v Keystone Mg. Co.*, 30 id 360; *Tunnel Co. v Stranahan*, 31 id 387; *King v Randlett*, 33 id 318. *Pralus v Jefferson Mg. Co.*, 34 id 559; *Pralus v Pacific Mg. Co.*, 35 id 30; *Bell v Tunnel and Mg. Co.*, 36 id 214; *Bradley v Lee*, 38 id 362; *Hastings v Devlin*, 40 id 358; *Harvey v Ryan*, 42 id 626; *Strang v Ryan*, 46 id 33; *Meyer v Farquharson*, 46 id 190; *Quirk v Tralk*, 47 id 453; *McLaughlin v Powell*, 50 id 64; *Titcomb v Kirk*, 51 id 288; *Morenhaut v Wilson*, 52 id 226; *Stone v Geyser*, 52 id 315; *Holland v M. A. G. Mg. Co.*, 53 id 149; *Gelcich v Moriarity*, 53 id

217; Phoenix Co. v Lawrence, Myers v Spooner, S. C. Cal. 1880, in manuscript. Decisions Sec. Int., April 1, 1875, 2 Copp's L. O. 2. Decisions Com. G. L. O., May 16, 1873, Copp's Mg. Dec. 200; Aug. 28, 1876, 3 Copp's L. O. 82; June 13, 1876, 3 id 50; Oct. 20, 1876, 6 id 122.

Expenditures: Mt. Diablo Mg. Co. v Callison, 5 Saw. C. C. 439. Decisions Sec. Int., Sept. 4, 1872, Copp's Mg. Dec. 136; March 4, 1879, 6 Copp's L. O. 2. Decisions Com. G. L. O., March 11, 1875, Skidmore 47; Jan. 6, 1878, 5 Copp's L. O. 134; Aug. 20, 1879, G. L. O. Rep. 1879, p 144; Sept. 12, 1879, id 143; Oct. 20, 1879, 6 Copp's L. O. 122; May 1, 1880, 7 id 20.

Abandonment and Forfeiture: Hibschie v Gildersleeve, U. S. Dist. Ct. Colo. 1880, in manuscript; Mallett v Uncle Sam Co., 1 Nev. 188; Creamuns v Uncle Sam Co., 1 id 215; Weill v Lucerne Co., 11 id 200; King v Edwards, 1 Montana, 235; Atkins v Hendree, 1 Idaho, 107; Murley v Ennis, 2 Colo. 300; Fairbanks v Woodhouse, 6 Cal. 433; Davis v Butler, 6 id 510; Ferris v Cooper, 10 id 589; Waring v Crow, 11 id 366; Gluckauf v Reed, 22 id 468; Coleman v Clements, 23 id 245; Richardson v McNulty, 24 id 339; Wiseman v McNulty, 25 id 230; St. John v Kidd, 26 id 264; Depuy v Williams, 26 id 309; Wilson v Cleveland, 30 id 192; Bell v Tunnel and Mg. Co., 36 id 214; Judson v Mulloy, 40 id 300; Strang v Ryan, 46 id 33; Morenhaut v Wilson, 52 id 226; Myers v Spooner, S. C. Cal. 1880, in manuscript.

Relocations: Decisions Sec. Int., Nov. 6, 1873, Copp's Mg. Dec. 191; May 22, 1878, 5 Copp's L. O. 50; June 29, 1878, 5 id 66. Decisions Com. G. L. O., Sept. 25, 1873, Copp's Mg. Dec. 225; April 21, 1876, 3 Copp's L. O. 37; Dec. 13, 1878, 5 id 162.

Transfers: Mining Co. v Taylor, 10 Otto, 37. Kinney v Con. Va. Mg. Co., 4 Saw. C. C. 382. Phillpotts v Blasdel, 8 Nev. 61; Weill v Lucerne Co., 11 id 200; Sullivan v Hense, 2 Colo. 424; McCarron v O'Connell, 7 Cal. 152; Clark v McElroy, 11 id 154; Jackson v Feather River Co., 14 id 18; Attwood v Fricot, 17 id 38; Tunnel Co. v Stranahan, 20 id 198; Gatewood v McLaughlin, 23 id 178; Antonie Co. v Ridge Co., 23 id 219; Draper v Douglas, 23 id 347; Patterson v Keystone Co., 23 id 575; Richardson v McNulty, 24 id 339; Cary v Campbell, 24 id 634; Copper Hill Mg. Co. v Spencer, 25 id 18; St. John v Kidd, 26 id 264; Duryea v Burt, 28 id 569; Hess v Winder, 30 id 349; Patterson v Keystone Mg. Co., 30 id 360; Goller v Fett, 30 id 481, Settembre v Putnam, 30 id 490; King v Randlett, 33 id 313; Hardenburgh v Bacon, 33 id 356; Blodgett v Potosi Mg. Co., 34 id 227; Felger v Coward, 35 id 650; Meyers v Farquharson, 46 id 190. Decision Com. G. L. O., June 9, 1873, Copp's Mg. Dec. 202.

Co-owners: The 420 Mg. Co. v The Bullion Co., 3 Saw. C. C. 634. Mallett v Uncle Sam Co., 1 Nev. 188; Chase v Savage Co., 2 id 9; Bucher v Mulverhill, 1 Montana, 306; Murley v Ennis, 2 Colo. 300; Waring v Crow, 11 Cal. 366; Gore v McBrayer, 18 id 532; Rowe v Bacigalluppi, 21 id 633; Coleman v Clements, 23 id 245; Hughes v Devlin, 23 id 501; Wiseman v McNulty, 25 id 230; Morton v Solambo Co., 26 id 527; Duryea v Burt, 28 id 569; Goller v Fett, 30 id 481; Settembre v Putnam, 30 id 490; Jones v Clark, 42 id 180; Taylor v Castle, 42 id 367; Decker v Howell, 42 id 636; Strang v Ryan, 46 id 33. Decisions Com. G. L. O., July 19, 1876, 3 Copp's L. O. 66; June 9, 1877, 4 id 50; Dec. 21, 1877, 5 id 4.

Patents for
mineral lands,
how obtained

SEC. 393. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file copy of the notice in such land office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and

thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter. Where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established, and this provision shall apply to all applications for patents to mineral lands pending on the twenty-second day of January, eighteen hundred and eighty.

Authority for
agents to make
applications
and affidavits.

17 Stat. 92; 19 id 52; 21 id 61; R. S. 2325.

Applications: Decisions Sec. Int., Nov. 6, 1873, Copp's Mg. Dec. 191; March 22, 1875, 2 Copp's L. O. 5; June 29, 1875, G. L. O. Rep. 1876, p 78; Jan. 3, 1877, 3 Copp's L. O. 196. Decisions Com. G. L. O., Sept. 21, 1872, Copp's Mg. Dec. 145; Feb. 18, 1875, id 159; March 24, 1873, id 165; April 15, 1873, id 188; Jan. 22, 1873, id 157; Jan. 6, 1874, id 340; July 21, 1874; 1 Copp's L. O. 66; Aug. 18, 1874, 1 id 83; Dec. 14, 1874, 1 id 146; Jan. 2, 1875, 1 id 178; Feb. 18, 1875, Copp's Mg. Dec. 159; Aug. 17, 1875, 2 Copp's L. O. 82; Nov. 12, 1875, 2 id 130; Dec. 20, 1875, 2 id 146; April 29, 1876, 3 id 18; April 20, 1877, 4 id 35; Oct. 20, 1879, 6 id 122.

Agents and Attorneys: Decision Sec. Int., March 2, 1880, 7 Copp's L. O. 20. Decisions Com. G. L. O., August 20, 1873, Copp's Mg. Dec. 222; Aug. 26, 1879, 6 Copp's L. O. 92; Sept. 19, 1879, G. L. O. Rep. 1879, p 143; Oct. 20, 1879, 6 Copp's L. O. 122.

Expenditures: Mt. Diablo Mg. Co. v Callison, 5 Saw. C. C. 439. Weeks' Mg. Laws, 113, 115, 116, 118, 120, 121. Decisions Sec. Int., Sept. 6, 1878, 6 Copp's L. O. 100; June 28, 1879, 7 id 5.

Notice: Wolfley v Lebanon Co., 4 Colo. 112. Decisions Sec. Int., Dec. 5, 1871, 1 Copp's Mg. Dec. 70; Nov. 24, 1873, id 169; April 30, 1874, 1 Copp's L. O. 34; Jan. 2, 1875, 1 id 178; April 1, 1875, 2 id 2; Dec. 1, 1876, 3 id 163. Decisions Com. G. L. O., June 19, 1871, Copp's Mg. Dec. 45; June 18, 1873, id 203; Nov. 12, 1873, id 234; July 21, 1874, 1 Copp's L. O. 66; Nov. 12, 1875, 2 id 130; March 7, 1876, 2 id 180; April 21, 1876, 3 id 18; Dec. 1, 1876, 3 id 163; Jan. 4, 1877, 3 id 196; Aug. 26, 1879, 6 id 92; Oct. 29, 1879; April 30, 1880.

Payment: Decision Com. G. L. O., Jan. 30, 1873, Copp's Mg. Dec. 157.

Protestants: Decisions Sec. Int., April 30, 1874, 1 Copp's L. O. 34; March 24, 1876, 4 id 34; Feb. 17, 1877, 3 id 194; March 10, 1877, 4 id 3; July 21, 1879, 6 id 73. Decisions Com. G. L. O., Aug. 17, 1874, 1 Copp's L. O. 82; Oct. 8, 1875, 2 id 115.

Patents: Decisions Sec. Int., Jan 14, 1873, Copp's Mg. Dec. 152; Jan. 2, 1875, 1 Copp's L. O. 178; March 22, 1875, 2 id 5; April 1, 1875, 2 id 2; March 4, 1875, 2 id 82; July 21, 1879, 6 id 73. Decisions Com. G. L. O., Jan. 21, 1869, Copp's Mg. Dec. 18; July 22, 1869, id 21; April 18, 1870, id 30; Jan. 2, 1872, id 72; Feb. 27, 1872, id 79; April 4,

1872, id 85; April 5, 1872, id 88; Oct. 2, 1872, id 146; March 8, 1873, id 162; July 26, 1873, id 213; Oct. 22, 1873, id 227; March 14, 1874, 1 Copp's L. O. 2; June 22, 1875, 2 id 93; Oct. 26, 1875, 2 id 114; Dec. 20, 1875, 2 id 146; Feb. 25, 1876, 2 id 178; Jan. 15, 1880, 6 id 171.

Right of Purchase: The 420 Mg. Co. v The Bullion Co., 3 Saw. C. C. 634; Chapman v Toy Long, 4 id 28. Titcomb v Kirk, 51 Cal. 288.

Surveys: Decisions Sec. Int., May 22, 1878, 5 Copp's L. O. 50; Sept. 6, 1878, 5 id 100; Aug. 12, 1880, 8 Wash. Law Rep. 547; Aug. 16, 1880. Decisions Com. G. L. O., April 17, 1873, Copp's Mg. Dec. 193; Sept. 11, 1873, id 223; Jan. 6, 1874, id 340; Nov. 5, 1874, 1 Copp's L. O. 133; April 24, 1876, 3 id 18; Aug. 28, 1876; 3 id 82; April 10, 1877, 5 id 51; Nov. 30, 1877, 5 id 18; Oct. 20, 1879, 6 id 122; May 4, 1880, 7 id 35; June 17, 1880, 7 id 51; Aug. 9, 1880, 7 id 82.

Adverse claim,
proceedings
on.

SEC. 394. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the

certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person whatever.

17 Stat. 93; 19 id 52; R. S. 2326. The Eureka Case, 4 Saw. C. C. 302, Golden Fleece Co. v The Cable Co., 12 Nev. 312; Sears v Taylor, 4 Colo. 38. Decisions Sec. Int., March 11, 1872, G. L. O. Rep. 1873, p 43; May 27, 1872, G. L. O. Rep. 1873, p 19; Feb. 24, 1873, Copp's Mg. Dec. 101; Oct. 28, 1873, id 161; Aug. 9, 1874, 2 Copp's L. O. 98; Sept. 9, 1874, 1 id 93; Jan. 2, 1875, 1 id 178; March 22, 1875, 2 id 5; Feb. 12, 1876, 2 id 178; Dec. 26, 1876, 3 id 162; Feb. 17, 1877, 3 id 195; Feb. 17, 1877, G. L. O. Rep. 1877, p 129; April 17, 1877, 4 Copp's L. O. 34; Jan. 3, 1877, 3 id 196; July 14, 1877, 4 id 66; Sept. 27, 1877, G. L. O. Rep. 1877, p 135; May 21, 1879, 6 Copp's L. O. 73; June 25, 1879, G. L. O. Rep. 1879, p 148; July 17, 1879, id 145. Decisions Com. G. L. O., Dec. 29, 1871, Copp's Mg. Dec. 76. Jan. 14, 1873, id 156; June 9, 1873, id 202; Nov. 24, 1873, id 145; July 21, 1874, 1 Copp's L. O. 66; Oct. 24, 1874, 1 id 132; Dec. 14, 1874, 1 id 146; May 12, 1876, 3 id 36; Dec. 19, 1878, 5 id 162; Sept. 12, 1879, 6 id 105; Sept. 19, 1879, 6 id 105; Feb. 28, 1880, 7 id 50; April 15, 1881, 7 id 51; June 28, 1880, 7 id 50; July 15, 1880, 8 Wash. Law Rep. 461.

SEC. 395. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

Description of
vein claims on
surveyed and
unsurveyed
lands.

17 Stat. 94; 19 id 52; R. S. 2327.

SEC. 396. Applications for patents for mining claims under former laws now pending may be prosecuted to a final decision in the General Land Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

Pending
applications;
existing rights

17 Stat. 94; 19 id 52; R. S. 2328.

Conformity of
placer claims
to surveys,
limit of.

SEC. 397. Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

16 Stat. 217; R. S. 2329. *Chapman v Toy Long*, 4 Saw. C. C. 28, *Moxon v Wilkinson*, 2 Montana, 421. Decisions Sec. Int., March 4, 1879, 6 Copp's L. O. 4. Decisions Com. G. L. O., Feb. 12, 1872, Copp's Mg. Dec. 78; April 18, 1873, id 194; April 25, 1874, 1 Copp's L. O. 18.

Subdivisions
of ten-acre
tracts; maxi-
mum of placer
locations.

SEC. 398. Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

16 Stat 217; R. S. 2330. *Campbell v Adams*, U. S. Dist. Ct. Colo. 1880 in manuscript. Decisions Com. G. L. O., March 1, 1871, Copp's Mg. Dec. 40; Jan. 20, 1873, id 157; July 10, 1873, id 211; Oct. 23, 1873, id 229; Nov. 20, 1873, id 235; Nov. 21, 1874, 1 Copp's L. O. 134; Sept. 20, 1879, G. L. O. Rep. 1879, p. 143.

Conformity of
placer claims
to surveys;
limitation of
claims.

SEC. 399. Where placer claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but

where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

17 Stat. 94; 19 id 52; R. S. 2331. *Campbell v Adams*, U. S. Dist. Ct. Colo. 1880, in manuscript. *Decisions Com. G. L. O.* May 19, 1873, *Copp's Mg.* Dec. 200; Aug. 27, 1873, id 222.

SEC. 400. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.

What evidence of possession, etc., to establish a right to a patent.

16 Stat. 217; R. S. 2332. *The 420 Mg. Co. v The Bullion Co.*, 3 Saw. C. C. 634. *Davis v Clark*, 2 Montana, 310; *Maine Boys Co. v Boston Co.* 37 Cal. 40.

SEC. 401. Where the same person, association, or corporation is in possession of a placer claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer claim, or any placer claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section three hundred and eighty-eight, is known to exist within the boundaries of a placer claim, an application for a patent for such placer claim, which does not include an appli-

Proceedings for patent for placer claim, etc.

cation for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer claim is not known, a patent for the placer claim shall convey all valuable mineral and other deposits within the boundaries thereof.

17 Stat. 94; 19 id 52; R. S. 2333. Decision Com. G. L. O., Oct. 17, 1873, Copp's Mg. Dec. 226.

Surveyor-general to appoint surveyors of mining claims, etc.

SEC. 402. The surveyor-general of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land Office.

17 Stat. 95; 19 id 52; R. S. 2334. Decision Com. G. L. O., Aug. 6, 1872, Copp's Mg. Dec. 131.

Verification of affidavits, etc.

SEC. 403. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, shall have the same force and effect as if

taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

17 Stat. 95; 19 id 52; R. S. 2335. Decisions Com. G. L. O., July 21, 1874, 1 Copp's L. O. 66; Jan. 27, 1876, 2 id. 162.

SEC. 404. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

Where veins intersect, etc.

17 Stat. 96; 19 id 52; R. S. 2336. Decisions Sec. Int., Feb. 24, 1873, Copp's Mg. Dec. 96, 101; July 21, 1879, 6 Copp's L. O. 73. Decision Com. G. L. O., Feb. 25, 1876, 2 Copp's L. O. 178.

SEC. 405. Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

Patents for non-mineral lands, etc.

17 Stat. 96; 19 id 52; R. S. 2337. Decision Sec. Int., April 29, 1876, 3 Copp's L. O. 67. Decisions Com. G. L. O., Oct. 11, 1872, Copp's Mg. Dec. 147; April 16, 1873, id 193; May 20, 1873, id 201; March 10, 1874, 1 Copp's L. O. 1; Oct. 21, 1875, 2 id 114; Sept. 24, 1879.

What conditions of sale may be made by local legislature.

SEC. 406. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

14 Stat. 252; 19 id 52; R. S. 2333.

Vested rights to use of water for mining, etc., right of way for canals

SEC. 407. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

14 Stat. 253; R. S. 2339. *Atchison v Peterson*, 20 Wall. 507; *Basey v Gallagher*, 20 id 670; *Jennison v Kirk*, 8 Otto, 453. *Decisions Com. G. L. O.*, Nov. 23, 1869, *Copp's Mg. Dec.* 24; April 16, 1871, id 42; March 21, 1872, id 82.

Patents, pre-emption, and homesteads subject to vested and accrued water rights.

SEC. 408. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

16 Stat. 218; R. S. 2340.

Mineral lands in which no valuable mines are discovered open to homesteads.

SEC. 409. Whenever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a

right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter eight, relating to "Homesteads."

14 Stat. 253; R. S. 2341. *Ah Yew v Choate*, 24 Cal. 562; *Alford v Barnum*, 45 id 482. Decisions Sec. Int., Feb. 12, 1872, *Copp's Mg. Dec.* 77; May 6, 1872, id 93; July 10, 1872, id 128, 130; Dec. 14, 1872, id 133; Jan. 3, 1876, 2 *Copp's L. O.* 146; Feb. 5, 1876, 2 id 180; 3 id 2; Dec. 20, 1876, 4 id 102; April 5, 1877, 4 id 19; June 21, 1877, 5 id 3; Feb. 16, 1878, 5 id 3; March 4, 1879, 6 id 4; Dec. 22, 1879, 7 id 23; April 7, 1880, 7 id 36. Decisions Com. G. L. O., Nov. 14, 1872, *Copp's Mg. Dec.* 148; Oct. 21, 1871, id 60; Dec. 2, 1872, id 150; March 12, 1873, id 163; July 10, 1873, id 208; Nov. 11, 1873, id 233; Aug. 4, 1875, 2 *Copp's L. O.* 84; Feb. 18, 1875, 1 id 180; June 21, 1876, 3 id 50; Oct. 24, 1876, 3 id 130; March 21, 1877, 4 id 2; March 26, 1877, 4 id 17; Nov. 6, 1879, 6 id 135. Cir. G. L. O., April 22, 1880, 7 *Copp's L. O.* 36.

SEC. 410. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

Mineral lands,
how set apart
as agricultural
lands.

14 Stat. 253; R. S. 2342. *Ah Yew v Choate*, 24 Cal. 562; *Alford v Barnum*, 45 id 482. Decisions Sec. Int., Feb. 12, 1872, *Copp's Mg. Dec.* 77; May 6, 1872, id 93; July 10, 1872, id 128, 130; Dec. 14, 1872, id 133; Jan. 3, 1876, 2 *Copp's L. O.* 146; Feb. 5, 1876, 2 id 180; 3 id 2; Dec. 20, 1876, 4 id 102; April 5, 1877, 4 id 19; June 21, 1877, 5 id 2; Feb. 16, 1878, 5 id 3; March 4, 1879, 6 id 4; Dec. 22, 1879, 7 id 23; April 17, 1880, 7 id 36. Decisions Com. G. L. O., Nov. 14, 1872, *Copp's Mg. Dec.* 148; Oct. 21, 1871, id 60; Dec. 2, 1872, id 150; March 12, 1873, id 163; July 10, 1873, id 208; Nov. 11, 1873, id 233; Aug. 4, 1875, 2 *Copp's L. O.* 84; Feb. 18, 1875, 1 id 180; June 21, 1876, 3 id 50; Oct. 24, 1876, 3 id 130; March 21, 1877, 4 id 2; March 26, 1877, 4 id 17; Nov. 6, 1879, 6 id 135. Cir. G. L. O., April 22, 1880, 7 *Copp's L. O.* 36.

SEC. 411. The President is authorized to establish additional land districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

Additional
land districts
and officers,
power of the
President to
provide.

14 Stat. 252; R. S. 2343.

SEC. 412. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining

Provisions of this chapter not to affect certain rights.

property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

16 Stat. 218; 17 id 96; 19 id 52; R. S. 2344. Decisions Sec. Int., Aug. 30, 1878, 5 Copp's L. O. 198. Decisions Com. G. L. O., March 8, 1873, Copp's Mg. Dec. 162; March 29, 1873, id 179; May 27, 1876, 3 Copp's L. O. 34.

Mineral lands in certain States excepted.

SEC. 413. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona fide entries of such lands within the States named since the tenth day of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

17 Stat. 465; R. S. 2345. Decision Com. G. L. O., July 21, 1876, 3 Copp's L. O. 132.

Deposits of coal, iron and lead in Missouri and Kansas excepted.

SEC. 414. Within the States of Missouri and Kansas, deposits of coal, iron, lead, or other mineral are excluded from the operation of the preceding sections of this chapter, and all lands in said States shall be subject to disposal as agricultural lands.

19 Stat. 52.

Grants of lands to States or corporations not to include mineral lands.

SEC. 415. No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant; and

all mineral lands are excepted from the operation and grants of laws heretofore granting lands to the State of Colorado.

13 Stat. 576; 18 id 476; R. S. 2346. Heydenfeldt v Mg. Co., 3 Otto, 634. Boggs v Merced Mg. Co.; 14 Cal. 279; Burdge v Smith, 14 id 380; Doran v Railway Co., 24 id 452; Higgins v Houghton, 25 id 252; McLaughlin v Powell, 50 id 64. Decisions Sec. Int., May 20, 1870, Copp's Mg. Dec. 31; April 28, 1873; April 30, 1879. Decisions Com. G. L. O., Feb. 5, 1879, 5 Copp's L. O. 178; Dec. 19, 1879, 6 id 152.

SEC. 416. Every person above the age of twenty-one ^{Entry of coal lands.} years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

17 Stat. 607; R. S. 2347. Stroud v Railway Co., 4 Dillon, C. C. 396. Decision Com. G. L. O., Aug. 11, 1873, 1 Copp's L. O. 2; March 28, 1874, 1 id 3; May 25, 1874, 3 id 34; Nov. 3, 1874, 3 id 135.

SEC. 417. Any person or association of persons severally ^{Pre-emption of coal lands.} qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry, under the preceding section, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

17 Stat. 607; R. S. 2348.

SEC. 418. All claims under the preceding section must be presented to the register of the proper land district within

Pre-emption
claims of coal
land to be
presented
within sixty
days, etc.

sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of the three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

17 Stat. 607; R. S. 2349. Decision Com. G. L. O., Aug. 11, 1873, 1 Copps L. O. 3.

Only one
entry allowed.

SEC. 419. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section four hundred and seventeen shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

17 Stat. 607; R. S. 2350.

Conflicting
claims.

SEC. 420. In case of conflicting claims upon coal lands where the improvements shall be commenced, after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by

legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Stat 17, 607; R. S. 2351.

SEC. 421. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper. Rights reserved.

17 Stat. 607; R. S. 2352.

[The two following sections are taken from the supplement to said code.]

SECTION.

494 Amending Revised Statutes, section 2326, as to suits in mining claim cases.

SECTION.

495 Amending section 2326, Revised Statutes, as to verification of adverse claims, etc.

SEC. 494. If, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land-office or be entitled to a patent for the ground in controversy until he shall have perfected his title. (1) R. S. 2326 amended. Mining-claim suits. Costs.

21 Stat. 505, March 3, 1881, Ante, sec. 394.

SEC. 495. (1) The adverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes, may be verified by the oath of any duly-authorized agent or attorney-in-fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the district wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or of the State or R. S. 2326 amended. Verification of adverse claims

(1) Section 394 of this series.

Territory where the adverse claimant may then be, or before any notary public of such State or Territory. (2.)

(2) Applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record or before any notary public of any State or Territory.

Oath by
applicant for
patent.

22 Stat., 49, April 26, 1882, Ante, secs. 394, 403.

WATER RIGHTS.

SECTION.

422 Vested rights to use water for mining, etc., right of way for canals.

423 Patents, pre-emptions and homesteads, subject to vested and accrued water rights.

SECTION.

424 Conditions for use of water on public lands for reclamation.

425 Navigable rivers within public lands to be public highways.

Vested rights
to use of water
for mining,
etc., right of
way for canals

SEC. 422. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

14 Stat. 253; R. S. 2339. *Atchison v Peterson*, 20 Wall, 507; *Basey v Gallagher*, 20 id 670; *Jennison v Kirk*, 8 Otto, 453; *Broder v Water and Mining Co.*, S. C., Oct. T. 1879, in manuscript. *Union Mill and Mining Co. v Ferris*, 2 Saw. C. C. 176. *Lobdell v Simpson*, 2 Nev. 274; *Lobdell v Hall*, 3 id 507; *Mining Co. v Carpenter*, 4 id 534; *Robinson v Imperial Silver etc.*, 5 id 44; *Covington v Becker*, 5 id 281; *Hobart v Ford*, 6 id 77; *Proctor v Jennings*, 6 id 83; *Vansickle v Haines*, 7 id 249; *Dalton v Bowker*, 8 id 201; *Barnes v Sabron*, 10 id 217; *Shoemaker v Hatch*, 13 id 261; *Rivers v Burbank*, 13 id 398;

Caruthers v Pemberton, 1 Montana, 111; Wilson v O'Neil, 1 id 284; Mining Co. v Halter, 1 id 296; Noteware v Sterns, 1 id 311; Parks v Barkley, 1 id 514; Woolman v Garringer, 1 id 535; Atchison v Peterson, 1 id 561; Barkley v Fileke, 2 id 59; Fabian v Collins, 2 id 510; Schilling v Rominger, 4 Colo. 100; Eddy v Simpson, 3 Cal. 249; Irwin v Phillips, 5 id 140; Hill v Newman, 5 id 445; Kelly v Water Co., 6 id 105; Hoffman v Stone, 7 id 47; Sims v Smith, 7 id 149; Maeris v Bricknell, 7 id 262; Tenney v Miners' Ditch Co., 7 id 335; Coker v Simpson, 7 id 341; Park v Kilham, 8 id 78; Crandall v Woods, 8 id 136; Thompson v Lee, 8 id 275; Leigh Co. v Independent Ditch Co., 8 id 323; Bear River, etc. Co. v N. Y. Mining Co., 8 id 327. Hill v King, 8 id 337; White v Todd, 8 id 443; O'Keiffer v Cunningham, 9 id 589; Weaver v Conger, 10 id 233; Wolf v St. Louis Ind. Water Co., 10 id 413; Hoffman v Tuol, 10 id 417; Weimer v Lowrey, 11 id 104; Butte Canal Co. v Vaughn, 11 id 143; Kimball v Gearhart, 12 id 27; McGarrity v Byington, 12 id 426; Ortman v Dixon, 13 id 33; McDonald v Bear River, etc., 13 id 220; Burnett v Whitesides, 15 id 35; Clark v Duvall, 15 id 85; Edmond v Chew, 15 id 137; McDonald v Bear River, etc., 15 id 145; Kidd v Laird, 15 id 161; Weaver v Eureka Lake Co., 15 id 271; Butte T. M. Co. v Morgan, 219 id 609; McKinney v Smith, 21 id 374; Coleman v Clements, 23 id 225; Rupley v Welch, 23 id 452; Everett v Hydraulic Co., 23 id 225; Phoenix Water Co. v Fletcher, 23 id 481; Netoma Water and Mining Co. v McCoy, 23 id 490; Bear River, etc. v Boles, 24 id 359; Wixon v Bear River Co., 24 id 367; Crary v Campbell, 24 id 634; Wiseman v McNulty, 25 id 230; Union Water Co. v Crary, 25 id 504; St. John v Kidd, 26 id 264; Bradley v Harkness, 26 id 69; American v Bradford, 27 id 360; Hill v Smith, 27 id 476; Ferrea v Knipe, 28 id 340; McDonald v Askew, 29 id 200; Henderson v McNaughton, 31 id 26; Davis v Gale, 32 id 26; Gibson v Puchta, 33 id 310; Richardson v Kier, 34 id 63; Nevada Water Co. v Powell, 34 id 109; Clark v Willett, 35 id 535; Campbell v B. R. and W. M. Co., 35 id 679; Richardson v Kier, 37 id 267; Gregor v Nelson, 41 id 279; Hanson v McCune, 42 id 303; Correa v Frietas, 42 id 339; Smith v O'Hara, 43 id 371; Stone v Bumpus, 46 id 218; Ogburn v Connor, 46 id 347; Quirk v Tralk, 47 id 453; Broder v N. W. and M. Co., 50 id 621; Reynolds v Hosmer, 51 id 205; Titcomb v Kirk, 51 id 288; Cave v Crafts, 53 id 135. Decisions Com. G. L. O., Nov. 23, 1869, Copp's Mg. Dec. 24; April 16, 1871, id 42; March 21, 1872, id 82.

SEC. 423. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accured water right, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.¹

Patents, pre-
emptions, and
homesteads
subject to
vested and
accured water
rights.

16 Stat. 218; R. S. 2340. Union Mill. and Mg. Co. v Ferris, 2 Saw. C. 176; Union Mill and Mining Co. v Dangberg, 2 id 451. Vansickle v Harris, 7 Nev. 249; Barnes v Sabron, 10 id 217; Thorp v Freed, 1 Montana, 652; Ogburn v Connor, 46 Cal. 347; Broder v N. W. and M. Co., 50 id 621. Decisions Com. G. L. O., April 16, 1871, Copp's Mg. Dec. 42; March 21, 1872, id 82.

Conditions for
use of water
on public
lands for
reclamation.

SEC. 424. The right to the use of water for the reclamation of desert lands, in accordance with the provisions of an act approved March third, eighteen hundred and seventy-seven, shall depend upon bona fide prior appropriation; and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of lakes, rivers and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights.

19 Stat. 377.

Navigable
rivers within
public lands to
be public
highways.

SEC. 425. All navigable rivers, within the Territory occupied by the public lands, shall remain and be deemed public highways; and in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

1 Stat. 468; 2 id 235; R. S. 2476. *New Orleans v U. S.*, 10 Pet. 662, *Pollard v Hagen*, 3 How. 212; *Pollard v Kibble*, 9 id 471; *Hullett v Beebe*, 13 id 25; *Withers v Buckley*, 20 id 84; *Railway Co. v Schurmeir*, 7 Wall. 272; *Yates v Milwaukee*, 10 id 497; *The Daniel Ball*, 10 id 557; *The Montello*, 11 id 411, 20 id 430; *Barney v Keokuk*, 4 Otto, 324. *Woodman v Kilburn*, 1 Abbott, C. C. 158; *Avery v Fox*, 1 id 246; *Northern Union Packet Co. v Atles*, 2 Dillon, C. C. 479; *Forsyth v Small*, 7 Bissell, C. C. 201; *Grange v Snart*, 1 Woolw. C. C. 88. *Vansickle v Harris*, 7 Nev. 249; *Leake v Tolls*, 8 id 286; *Gavit v Chambers*, 3 Ohio, 496; *Blanchard v Porter*, 11 id 138; *Walker v Board of Public Works*, 16 id 540; *Gilman v Riassell*, 18 Mich. 144; *Watson v Peters*, 26 id 508; *Treat v Bates*, 27 id 390; *Bay City Gas Light Co. v Industrial Works*, 28 id 181; *Att'y Gen. v Evart Booming Co.*, 34 id 462; *Jones v Pettibone*, 2 Wis. 308; *Walker v Stephenson*, 4 id 486; *Mariner v Schulte*, 13 id 692; *Timm v Bear*, 29 id 254; *Wright v Day*, 33 id 260; *Oleson v Merrill*, 42 id 203; *Delaplane v Railway Co.*, 42 id 214.

EASEMENTS.

SECTION.

- 440 Navigable rivers, public high-ways. Streams not navigable, banks of.
- 441 Right of way for highways over public lands.
- 443 Mineral locators' rights of possession and enjoyment.
- 444 Right of way in intersecting veins in mines.
- 445 What conditions of sale may be made by local legislature.
- 446 Vested rights to use of, water for mining, etc.; right of way for canals.
- 447 Patents, pre-emptions, and homesteads subject to vested and accrued water rights.

SECTION.

- 448 Right of way, materials, station grounds, etc., granted to railroads.
- 449 Rights of several railroads through canyon, pass, or defile. Crossing at grade. Wagon roads, rights of.
- 450 Private lands and possessory claims, how condemned.
- 451 Profile of road claiming benefits. When to be filed. Disposal of lands subject to right of way. Forfeiture of right.
- 452 Application of this act.
- 453 Right to alter, amend, etc.

SEC. 440. All navigable rivers, within the Territory occupied by the public lands, shall remain and be deemed public highways; and in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

Navigable rivers public highways.

Streams not navigable, banks of.

1 Stat. 468; 2 id 235; R. S. 2476.

SEC. 441. The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

Right of way for highways over public lands.

14 Stat. 253; R. S. 2477. Railway Co. v Gordon, S. C. Mich., Oct. T. 1879, 7 Copp's L. O. 158.

SEC. 443. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and

Mineral locators' rights of possession and enjoyment.

all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

17 Stat. 91; id 52; R. S. 2322. For authorities see sec. 390.

Right of way
in intersecting
veins in mines

SEC. 444. Where two or more veins of mining claims intersect or cross each other, the owners of the mine last located shall have the right of way through the space of intersection for the purposes of the convenient working of the mine.

17 Stat. 96; 19 id 52; R. S. 2336. For authorities see sec. 404.

What conditions of sale may be made by local legislature.

SEC. 445. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

14 Stat. 252; 19 id 52; R. R. 2338.

Vested rights to use of water for mining, etc., right of way for canals

SEC. 446. Whenever, by priority of possession, rights to the use of water, for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of

any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

14 Stat. 253; R. S. 2339. For authorities see sec. 422.

SEC. 447. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

Patents, pre-
emptions, and
homesteads
subject to
vested and
accrued water
rights.

16 Stat. 218; R. S. 2340. For authorities see sec. 423.

SEC. 448. The right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber, necessary to the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side-tracks, turn-outs, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

Right of way,
materials,
station
grounds, etc.,
granted to
railroads.

18 Stat. 482. *Railway Co. v Benity*, 5 Saw. C. C. 118. *Railway Co. v Gould*, 21 Cal. 254; *Doran v Railway Co.*, 24 id 245. Decisions Sec. Int., June 30, 1875, Copp's L. L. 388; July 26, 1876; Sept. 5, 1878; Sept. 11, 1878; June 5, 1879; Nov. 17, 1879, 6 Copp's L. O. 162. Decisions Com. G. L. O., Oct., 8. 1875; Jan. 11, 1876; March 1, 1876; May 10, 1877, 4 Copp's L. O. 91; Jan. 6, 1879; Jan. 21, 1879; Sept. 24, 1879; Sept. 29, 1879. Cir. G. L. O., March 9, 1878, 5 Copp's L. O. 35; Nov. 7, 1879, 6 id 141.

SEC. 449. Any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in

Rights of sev-
eral railroads
through
canyon, pass
or defile.

Crossing at
grade.

common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road, or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

Wagon roads,
rights of.

18 Stat. 482. Denver & Rio Grande R. R. Co. v Canyon City & San Juan R. R. Co., 9 Otto, 463. Decisions Sec. Int., Sept. 5, 1878; Sept. 11, 1878.

Private lands
and possess-
ory claims,
how con-
demned.

SEC. 450. The legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section three of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four.

13 Stat. 357; 18 id 482, 483. Decision Com. G. L. O., Jan. 21, 1879.

Profile of road
claiming
benefits, when
to be filed.

SEC. 451. Any railroad company desiring to secure the benefits of this act, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter

Disposal of
lands subject
to right of way

all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That ^{Forfeiture of right.} if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

18 Stat. 483. *Décisions Sec. Int.*, Sept. 22, 1877; Sept. 5, 1878; Sept. 11, 1878; June 5, 1879. *Decisions Com. G. L. O.*, July 17, 1875; May 10, 1877, 4 Copp's L. O. 91; Oct. 1, 1878. *Cir. G. L. O.*, March 9, 1878, 5 Copp's L. O. 35; Nov. 7, 1879, 6 id 141.

SEC. 452. This act shall not apply to any lands within ^{Application of this act.} the limits of any military, park, or Indian reservation or other lands specially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

18 Stat. 483.

SEC. 453. Congress hereby reserves the right at any ^{Right to alter, amend, etc.} time to alter, amend, or repeal this act, or any part thereof.

18 Stat. 483.

PROVISIONS RELATING TO SECTIONS SIXTEEN AND THIRTY-SIX.

SECTION.

376 Settlements before survey on sections 16 or 36; deficiencies thereof.

377 Selections to supply deficiencies of school lands.

SECTION.

378 Fee simple to pass in all grants of land to States and Territories.

Settlements
before survey
on ss 16 or 36;
deficiencies
thereof.

SEC. 376. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

11 Stat. 385; 18 id 202; R. S. 2275. *Minnesota v Bachelder*, 1 Wall. 109; *Sherman v Buick*, 3 Otto, 279; *Water and Mining Co. v Bugbee*, 6 id 165. *Minnesota v Bachelder*, 7 Minn. 121; *Layton v Farrell*, 11 Nev. 451; *Railway Co. v Robinson*, 49 Cal. 446. *Decisions Sec. Int.* March 14, 1862; March 28, 1873, *Copp's L. L.* 483; March 10, 1876; April 12, 1879. *Decision Com. G. L. O.*, June 13, 1879, 6 *Copp's L. O.* 153. *Cir. G. L. O.* May 17, 1844, *Lester's L. L.* 492; Aug. 21, 1862, *Copp's L. L.* 437.

Selections to
supply
deficiencies of
school lands.

SEC. 377. The lands appropriated by the preceding section shall be selected, within the same land district, in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional township, containing a greater quantity of

land than one-quarter, and not more than one-half, of a township, one-half section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one quarter-section of land.

4 Stat. 179; 11 id 385; 18 id 202; R. S. 2276. Decision Sec. Int., Dec. 2, 1876, 3 Copp's L. O. 172. Cir. G. L. O., May 17, 1844, 1 Lester's L. L. 492; Aug. 21, 1862, Copp's L. L. 437; Jan. 5, 1872, id 483.

SEC. 378. Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands, or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land Office, under the seal of his office, either as originals or copies of the originals or records shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

Fee-simple to
pass all grants
of land to
States and
Territories.

10 Stat. 346; 18 id 475; R. S. 2449. Shepley v Cowan, 52, Mo. 559. Decisions Sec. Int. 5 Copp's L. O. 158; Jan. 28, 1880, 6 id 193.

MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS.

SECTION.	SECTION.
466 Cases of suspended entries of public lands and suspended pre-emption claims.	476 (Continued.) Titles of intruders forfeited. President authorized to remove intruders. Mode of removal. Marshal, etc., authorized under instructions from the President to oust intruders.
467 Adjudications under above, how approved.	
468 Report of adjudications under preceding sections.	477 Forgery, counterfeiting, or passing military bounty-land warrants.
469 Decisions to be arranged into classes.	478 Authentication of foreign records relating to lands.
470 Patents to issue for lands in the first class, and lands in the second class to revert to the United States.	479 Perjury in oaths used in land offices.
471 Commissioner to order into market lands of second class.	480 Forgery of letters patent.
472 Patents surrendered and new ones issued in certain cases.	481 Forgery of bid, public record, etc.
473 Extent of foregoing provisions.	482 Forging deed, power of attorney, etc.
474 Copies of records, etc., to be certified.	483 Having forged papers in possession.
475 Exemplifications valid without names of officers signing and countersigning.	484 Dispossessed occupants of land to have remedies in certain cases.
476 Lands of United States by whatsoever title acquired, not to be occupied, possessed, or settled but with consent of United States.	485 Connection of other railroads with Union Pacific, etc.
	486 Inter-state communication.

Cases of suspended entries of public lands and suspended pre-emption claims.

SEC. 466. The Commissioner of the General Land Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the Interior, the Attorney General, and the Commissioner, conjointly, consistently with such principles, all cases of suspended entries of public lands, and of suspended pre-emption land claims, and to adjudge in what cases patents shall issue upon the same.

9 Stat. 51; 10 id 258; 11 id 22; 18 id 50; 19 id 244; R. S. 2450. 14 Op. Att. Gen. 636, 645. Decisions Sec. Int., Dec. 27, 1 Lester's L. L. 484; May 12, 1859, 1 id 486; May 26, 1859, 1 id 488; Aug. 12, 1859, 1 id 487; Oct. 6, 1859, 1 id 490; Dec. 2, 1859, 1 id 491; May 19, 1871, Copp's L. L. 753; Nov. 3, 1871, id 755; Nov. 13, 1872, id 755; March 31, 1873, id 755; April 11, 1876, 3 Copp's L. O. 19; June 27, 1878, 5 id 101, Dec. 5, 1878, 5 id 146; May 28, 1880, 7 id 91. Decision Com. G. L. O., Sept. 3, 1878, 5 Copp's L. O. 117. Rules and Regulations, Oct. 3, 1846, 1 Lester's L. L. 482; March 13, 1847, 1 id 483; March 16, 1854, 1 id 484; April 25, 1877, G. L. O. Rep. 1877, p 100.

SEC. 467. Every such adjudication shall be approved Adjudications under above, how approved. by the Secretary of the Interior and the Attorney General, acting as a board; and shall operate only to divest the United States of the title of the lands embraced thereby, without prejudice to the rights of conflicting claimants.

9 Stat. 51; 19 id 244; R. S. 2451. 14 Op. Att. Gen. 636, 645. Decisions Sec. Int., Aug. 12. 1859. 1 Lester's L. L. 487; June 27, 1878, 5 Copp's L. O. 101. Rules and Regulations, Oct. 3, 1846, 1 Lester's L. L. 482; April 25, 1877, G. L. O. Rep. 1877, p 100.

SEC. 468. The Commissioner is directed to report to Report of adjudications under preceding sections. Congress at the first session after any such adjudications have been made a list of the same under the classes prescribed by law, with a statement of the principles upon which each class was determined.

9 Stat. 51; R. S. 2452.

SEC. 469. The Commissioner shall arrange his decisions Decisions to be arranged into classes. into two classes; the first class to embrace all such cases of equity as may be finally confirmed by the board, and the second class to embrace all such cases as the board reject and decide to be invalid.

9 Stat. 51; R. S. 2453. Rules and Regulations, Oct. 3, 1846, 1 Lester's L. L. 482; April 25, 1877, G. L. O. Rep. 1877, p 100.

SEC. 470. For all lands covered by claims which are Patents to issue for lands in the first class, and lands in second class to revert to the United States. placed in the first class, patents shall issue to the claimants; and all lands embraced by claims placed in the second class shall ipso facto revert to and become part of, the public domain.

9 Stat. 51; R. S. 2454.

SEC. 471. It may be lawful for the Commissioner of the General Land Office to order into market, after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale in like manner. But public notice of at least thirty days shall be given by the land officers of the district Commissioner to order into market lands of second class

in which such lands may be situated, pursuant to the directions of the Commissioner.

9 Stat. 51; R. S. 2455. 14 Op. Att. Gen. 636.

Patents surrendered and new ones issued in certain cases.

SEC. 472. Where patents have been already issued on entries which are confirmed by the officers who are constituted the board of adjudication, the Commissioner of the General Land Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such confirmation, to the person who made the entry, his heirs or assigns.

10 Stat. 258; R. S. 2456.

Extent of foregoing provisions.

SEC. 473. The preceding provisions from section four hundred and sixty-six to section four hundred and seventy-two, inclusive, shall be applicable to all cases of suspended entries and locations, which have arisen in the General Land Office since the twenty-sixth day of June, eighteen hundred and fifty-six, as well as to all cases of similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and pre-emption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident or mistake which is satisfactorily explained; and where the rights of no other claimant or pre-emptor are prejudiced, or where there is no adverse claim.

11 Stat. 22; R. S. 2457.

Copies of records, etc., to be certified.

SEC. 474. The Commissioner of the General Land Office shall cause to be prepared, and shall certify, under the seal of the office, such copies of records, books and papers on file in his office, as may be applied for, to be used in evidence in courts of justice. All exemplifications of patents, or papers on file or of record in the General Land Office, which may be required by parties interested, shall be furnished by the Commissioner upon the payment by such parties at the rate of fifteen cents per hundred words, and two dollars for copies of township plats or diagrams, with an additional sum of one dollar for the Commissioner's certificate of verification with the General Land Office seal; and one of the employes

of the office shall be designated by the Commissioner as the receiving clerk, and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner in his discretion may deem proper to furnish.

5 Stat. 111; 13 id 375; R. S. 461, 891, 2469. Polk v Wendell, 5 Wheat. 293; Galt v Galloway, 4 Pet. 331. Lacy v Davis, 4 Mich. 129; Gilman v Riopelle, 18 id 144; Clark v Hill, 19 id 354; Boyce v Slambaugh, 34 id 348; Bovee v McLean, 24 Wis. 225; Ansley v Peterson, 30 id 653; McLean v Bovee, 35 id 27; Kelly v Wallace, 14 Minn. 236; Washburn v Mendenhall, 21 id 332; Harris v Doe, 4 Blackf. (Ind.) 369, Bowser v Warren, 4 id 522; Lane v Bommelman, 17 Ills. 95; Sawyer v Cox, 63 id 130. Cir. G. L. O., July 20, 1875, Copp's L. L. 824.

SEC. 475. Literal exemplifications of any records which have been or may be granted in virtue of the preceding section shall be deemed of the same validity in all proceedings, whether at law or in equity, wherein such exemplifications are adduced in evidence, as if the names of the officers signing and countersigning the same had been fully inserted in such record.

Exemplifications valid without names of officers signing and countersigning.

5 Stat. 627; R. S. 891, 2476. Cir. G. L. O., July 20, 1875, Copp's L. L. 824.

SEC. 476. If any person or persons shall take possession of, or make a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by cession from any State to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognized and confirmed by the United States: or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled, or shall survey, or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law, such offender or offenders, shall forfeit all his or their right, title and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken

Lands of the United States, by whatsoever title acquired, not to be occupied, possessed, or settled but with the consent of the United States. Titles of intruders forfeited.

President
authorized to
have them
removed.
The mode of
doing this.

Marshals, etc.,
authorized,
under instruc-
tions from the
President, to
oust intruders.

possession of, or settled, or caused to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or cause to be surveyed, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States, to direct the marshal, or officer acting as marshal, in the manner hereinafter directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded or secured to the United States, by treaty, or cession as aforesaid, any person or persons who shall hereafter take possession of the same, or make, or attempt to make, a settlement thereon, until thereunto authorized by law. And every right, title or claim, forfeited under this act, shall be taken and deemed to be vested in the United States, without any or other further proceedings; and it shall be lawful for the proper marshal, or officer acting as marshal, under such instructions as may for that purpose be given by the President of the United States, to remove from such lands any and every person or persons who shall be found on the same.

2 Stat. 445, 480; 4 id 665. Dupas v Wassell, 1 Dillon, C. C. 213. 1 Op. Att. Gen. 164, 180, 471, 475, 703; 2 id 575; 3 id 255, 566; 7 id 535; 10 id 71, 184. Wood v Railway Co., 11 Kansas, 323; Boston v Dodge, 1 Blackf. (Ind.) 18; McKiernan v Hessie, 51 Cal. 594; Duncan v Hall, 9 Ala. 128; Floyd v Ricks, 14 Ark. 286.

Forging, coun-
terfeiting, or
passing
military
bounty-land
warrants.

SEC. 477. Every person who falsely makes, alters, forges, or counterfeits any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any act of Congress, or any certificate of location of any military bounty-land warrant, or any duplicate thereof, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate of the purchase of any of the lands of the United States, or any duplicate certificate of the purchase of any of the lands of the United States, or any receipt for the purchase money of any of the lands of the United States, or any duplicate receipt for the purchase money of any lands of the United States, issued or purporting to have been issued by the register and receiver at

any land office of the United States or by either of them, or who passes, utters, or publishes as true any false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate of location, or duplicate certificate of location, certificate of purchase, duplicate certificate of purchase, receipt or duplicate receipt, for the purchase money of any of the lands of the United States, knowing the same to be false or forged, shall be imprisoned at hard labor not less than three years nor more than ten years.

11 Stat. 381; R. S. 5420.

SEC. 478. It may and shall be lawful for the keepers or persons having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of one of the head of one of the departments, the Solicitor of the Treasury, or the Commissioner of the General Land Office, to authenticate the same under his hand and seal, and certify the same to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents; and when the same shall be certified by an American minister or consul under his hand and seal of office, or by a judge of one of the United States courts under his hand and seal, to be true copies of the originals, the same shall be sealed up by him and returned to the Solicitor of the Treasury, who shall file the same in his office, and cause it to be recorded in a book to be kept for that purpose. A copy of said laws, judgments, orders, decrees, journals, correspondence, or other public documents so filed, or of the same so recorded in said book, may be read in evidence in all courts, where the title to land claimed by or under the United States may come into question, equally with the originals thereof.

Authentic-
ation of foreign
records relat-
ing to lands.

9 Stat. 350, 351. U. S. v Delespine's Heirs, 12 Pet. 654; U. S. v Wiggins, 14 id 334; U. S. v Rodman, 15 id 130; U. S. v Delespine's Heirs, 15 id 226; U. S. v Brewart, 16 id 143; U. S. v Acosta, 1 How. 24; U. S. v Le Blanc, 12 id 435; U. S. v Peralta, 19 id 343; Gregory v McPherson, 13 Cal. 562; People v Kelly, 33 id 145.

SEC. 479. In all cases where any oath, affirmation, or affidavit shall be made or taken before any register or receiver,

Perjury in
oaths used in
land offices.

or either or both of them of any local land office in the United States or any Territory thereof, or where any oath, affirmation, or affidavit, shall be made or taken before any person authorized by the laws of any State or Territory of the United States to administer oaths or affirmations, or take affidavits, and such oaths, affirmations, or affidavits are made, used, or filed in any of said local land offices, or in the General Land Office, as well in cases arising under any or either of the orders, regulations, or instructions, concerning any of the public lands of the United States, issued by the Commissioner of the General Land Office, or other proper officer of the Government of the United States, as under the laws of the United States, in any wise relating to or effecting any right, claim, or title, or any contest therefor, to any of the public lands of the United States, and any person or persons shall, taking such oath, affirmation, or affidavit, knowingly, wilfully, or corruptly swear or affirm falsely, the same shall be deemed and taken to be perjury, and the person or persons guilty thereof shall, upon conviction, be liable to the punishment prescribed for that offence by the laws of the United States.

11 Stat. 250, 251. *People v Kelly*, 38 Cal. 145; *Barrell v How*, 48 id 223; *Ainsworth v Miller*, 20 Kansas, 220.

Forgery of
letters-patent

SEC. 480. Every person who falsely makes, forges, counterfeits, or alters any letters-patent granted, or purporting to have been granted by the President of the United States; or who passes, utters, or publishes, or attempts to pass, utter, or publish as genuine, any such forged, counterfeited, or falsely altered letters-patent, knowing the same to be forged, counterfeited, or falsely altered, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

4 Stat. 119; R. S. 5416.

Forging, etc.,
bid, public
record, etc.

SEC. 481. Every person who falsely makes, alters, forges, or counterfeits any bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, or utters or publishes as true any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for such purpose, knowing the same to be false,

forged, altered, or counterfeited or transmits to or presents at the office of any officer of the United States any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for such purpose, shall be imprisoned at hard labor for a period not more than ten years, or be fined not more than one thousand dollars, or be punished by both such fine and imprisonment.

14 Stat. 12; R. S. 5418.

SEC. 482. Every person who falsely makes, alters, ^{Forging deed, power of attorney, etc.} forges, or counterfeits; or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids or assists in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or who utters or publishes as true, or causes to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or who transmits to, or presents at, or causes or procures to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be imprisoned at hard labor for a period of not less than one year nor more than ten years; or shall be imprisoned not more than five years, and fined not more than one thousand dollars.

3 Stat. 771; R. S. 5421.

SEC. 483. Every person who, knowingly and with intent to defraud the United States, has in his possession any ^{Having forged papers in possession.} false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of enabling another to obtain from the United States, or

any of their officers or agents, any sum of money, shall be fined and imprisoned at the discretion of the court.

3 Stat. 772; R. S. 5422.

Dispossessed
occupants of
land to have
remedies in
certain cases.

SEC. 484. When an occupant of land, having color of title, in good faith has made valuable improvements thereon, and is, in the proper action, found not to be the rightful owner thereof, such occupant shall be entitled in the Federal courts to all the rights and remedies, and, upon instituting the proper proceeding, such relief as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have been granted by the United States after said improvements were so made.

18 Stat. 50.

Connection of
other railroads
with Union
Pacific, etc.

SEC. 485. Any railroad company now or hereafter incorporated under any law of the United States, or of any State, which has been or may be organized by an act of Congress, may connect its road with the Union Pacific Railroad, or any of its branches.

12 Stat. 496; 18 id 112; R. S. 5257.

Inter-state
communica-
tion.

SEC. 486. Every railroad company in the United States, whose road is operated by steam, its successors and assigns, is hereby authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination. But this section shall not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which such railroad or connection may be proposed. And Congress may at any time alter, amend, or repeal this section.

14 Stat. 66; R. S. 5258.

FEES OF REGISTERS AND RECEIVERS.

SECTION.

137 Fees and commissions of registers and receivers.

138 Fees of registers and receivers for consolidated land offices.

SECTION.

139 Maximum compensation of registers and receivers.

141 Illegal fees; penalty.

144 Oaths administered by registers and receivers.

SEC. 137. Every register and receiver shall be allowed an annual salary of five hundred dollars; and, in addition thereto, each shall be allowed the following fees and commissions, namely:

Fees and commissions of register and receiver.

3 Stat. 466; 12 id 409; R. S. 2237. Dobbins v Commissioners, etc., 16 Pet. 435. Decisions Com. G. L. O., Feb. 20, 1858; May 1, 1871.

First. A fee of one dollar for each declaratory statement filed and for services in acting on pre-emption claims.

On pre-
emptions.

5 Stat. 456; 13 id 35; R. S. 2238. Decisions Com. G. L. O., June 17, 1875; Sept. 9, 1879. Cir. G. L. O., Aug. 7, 1872; March 10, 1880.

Second. A commission of one per centum on all moneys received at each receiver's office.

On cash
receipts.

3 Stat. 466; R. S. 2238. U. S. v Dickson, 15 Pet. 141. U. S. v McCarty, 1 McLean, C. C. 306; U. S. v Edwards, 1 id 467. Decision Sec. Int., May 30, 1859. Decision Com. G. L. O., March 6, 1878.

Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

On home-
steads.

12 Stat. 393; 16 id 220; R. S. 2238. Decision Sec. Int., March 3, 1874. Decisions Com. G. L. O., May 7, 1877; Sept. 12, 1879. Cir. G. L. O., June 13, 1872; June 17, 1875; March 10, 1880.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.

On timber-
culture entries

17 Stat. 606; R. S. 2238. Decision Sec. Int.; March 3, 1874. Decision Com. G. L. O., Sept. 12, 1879. Cir. G. L. O., Oct. 30, 1873; March 13, 1874; June 17, 1875; March 10, 1880.

On warrants and agricultural-college scrip.

Fifth. For locating military bounty-land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural-college land scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre; but they shall not be entitled to any fees for locating warrants which are authorized by law to be located free of expense by the Commissioner of the General Land Office, nor upon the location of warrants issued prior to the eleventh day of February, eighteen hundred and forty-seven.

Where fees not allowed.

9 Stat. 231; 10 id 4; 12 id 505; R. S. 2233, 2437. U. S. v Babbit, 1 Black. 55; same case, 5 Otto, 334. Decision Sec. Int., March 1, 1876. Cir. G. L. O., Feb. 24, 1864; March 15, 1873; June 17, 1875; July 20, 1875; Feb. 13, 1879.

On location of lands by States and corporations.

Seventh. In the location of lands by the States and corporations under grants from Congress for railroads and other purposes (except for agricultural colleges), a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

13 Stat. 335; 18 id 21; 19 id 52; R. S. 2238. Railway Co. v Prescott, 16 Wall. 603; Railway Co. v McShane, 22 id 444; Hunnewell v Cass Co., 22 id 464. Decisions Com. G. L. O., April 18, 1867; Aug. 8, 1867; Feb. 17, 1869; March 26, 1870.

For filing and acting upon mineral-land applications.

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

17 Stat. 95; R. S. 2238.

For taking testimony.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights.

13 Stat. 35; R. S. 2238. Decision Com. G. L. O., Sept. 1, 1879. Cir. G. L. O., May 24, 1879.

Eleventh. A like fee as provided in the preceding sub-^{Ibid.} division when such writing is done in the land office, in establishing claims for mineral lands.

17 Stat. 95; R. S. 2238. Decisions Com. G. L. O., Sept. 1, 1879. Cir. G. L. O., May 24, 1879.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section. ^{Additional fees, etc., in certain States and Territories.}

13 Stat. 36; R. S. 2238. [See, also, the several acts establishing land offices for Utah, Wyoming, and Montana.]

Thirteenth. A fee of one dollar shall be paid to registers for giving notice of cancellation to any person who has contested, paid the land-office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry; the said fee to be paid by the contestant, and not to be reported. ^{Fee for notice of cancellation.}

Act of May 14, 1880.

SEC. 138. The register for any consolidated land district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land titles in his consolidated land district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information. ^{Fees of register and receiver for consolidated land offices.}

12 Stat. 131; R. S. 2239. Cir. G. L. O., July 19, 1878.

SEC. 139. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year, each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro rata allowance of such maximum. ^{Maximum of compensation for registers and receivers.}

3 Stat. 466; 10 id 4; 11 id 378; 12 id 131, 393, 409, 505; 13 id 36, 335; R. S. 2240. U. S. v Babbit, 1 Black, 55; same case, 5 Otto, 334. Cir. G. L. O., Feb. 20, 1858; May 1, 1871; June 24, 1875; July 19, 1878; May 24, 1879.

Illegal fees;
penalty.

SEC. 141. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office.

10 Stat. 4, 306; R. S. 2242.

Oaths admin-
istered by
registers and
receivers.

SEC. 144. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

5 Stat. 384; R. S. 2246.

ADDITIONAL AND LATER ACTS.

AN ACT TO PREVENT UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS. February 25, 1885.

SECTION.

- 1 Inclosure of public lands without title unlawful.
- 2 United States district attorney on complaints made to institute civil suits.
- 3 Settlements and transit on and over public lands not to be obstructed.

SECTION.

- 4 Violator of preceding sections guilty of misdemeanor.
- 5 President authorized to cause unlawful inclosures to be removed.
- 6 No suit without authority of secretary for inclosure of less than 160 acres.
- 7 Pending suits not affected.

Be it enacted, etc.: That all inclosures of any public lands in any State or Territory of the United States, heretofore, or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure, the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited.

Inclosure of public lands without title declared unlawful.

Maintenance of inclosure forbidden.

Assertion of right without title prohibited

SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated, showing a description of the land enclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as

United States district attorneys on complaints made to institute civil suits.

nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, or Territorial district court, in the name of the United States, and against the parties named or described, who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court or Territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employe having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

Jurisdiction of courts.

Such cases to have precedence.

Summary judgments.

Settlements and transit on and over public lands not to be obstructed.

Proviso.

Violators of these provisions held guilty of misdemeanor.

Penalty, fine and imprisonment.

SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto, in good faith.

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding one thousand dollars and be imprisoned not exceeding one year for each offence.

SEC. 5. That the President is hereby authorized to take

such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose.

President authorized to take necessary measures to remove unlawful inclosures.

SEC. 6. That where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the Secretary of the Interior.

No suit for unlawful inclosure of less than 160 acres without authority of Secretary of Interior.

SEC. 7. That nothing herein shall affect any pending suits to work their discontinuance, but as to them hereafter they shall be prosecuted and determined under the provisions of this act.

Pending suits not affected.

[Approved, February 25, 1885.]

AN ACT FOR THE RESTORATION TO MARKET OF CERTAIN LANDS IN THE TERRITORY OF UTAH.

June 18, 1878.
20 Stat. L., 165.

Indian reservation in Utah restored to sale, etc.

Be it enacted, etc.: That so much of the act of Congress approved May fifth, eighteen hundred and sixty-four, and entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley," as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservation therein referred to, be, and the same is hereby repealed; and the Secretary of the Interior is hereby authorized and directed to restore the same to the public domain for disposition as other public lands.

Indian reservation in Utah restored to sale, etc.
1864, ch 77 (13 Stat. L., 63).

[June 18, 1878.]

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON RESTORED RAILWAY
LANDS.

Settlers on
railroad land
restored to
public domain
may purchase.
Conditions.

Be it enacted, etc.: That all persons who shall have settled and made valuable and permanent improvements upon any odd numbered section of land within any railroad withdrawal in good faith and with the permission or license of the railroad company for whose benefit the same shall have been made and with the expectation of purchasing of such company, the land so entered upon, which land so settled upon and improved, may for any cause be restored to the public domain, and who at the time of such restoration, may not be entitled to enter and acquire title to such land under the pre-emption, homestead, or timber culture acts of the United States, shall be permitted at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not to exceed one hundred and sixty acres, in extent of the same by legal subdivisions at the price of two dollars and fifty cents per acre and to receive patents therefor.

[Approved Jan. 13, 1881.]

PART SECOND.

TERRITORIAL ACTS

FOR

ORGANIZING AND MAINTAINING THE TERRITORIAL GOVERNMENT:

GENERAL AND LOCAL.

CHAPTER I.

SEAT OF GOVERNMENT.

[Approved December 15, 1856.]

§ 1. ⁽⁷⁾ The seat of government is removed from Fillmore City to Salt Lake City, until otherwise provided by law. *And be it further resolved:* That the supreme court hold its annual sessions in Salt Lake City, so long as the seat of government remains at that place.

Establishing seat of government, and place of holding supreme court.
Dec. 15, 1856.

CHAPTER II.

THE LEGISLATURE.

SECTION.

- 2 Members, when elected.
 3 Sessions, when and where to be commenced and held.
 4 Members privileged from arrest; exceptions.

SECTION.

- 5 Term of office of present members not affected.
 6 Representative Districts, 1 to 24.
 7 Council Districts, 1 to 12.
 8 Persons elected to be notified.

March 6, 1888.
 Members,
 when to be
 elected.

§ 2. s 1. Members of the Legislative Assembly of this Territory shall be elected in their respective districts at the general election in August in the year eighteen hundred and eighty-nine and biennially thereafter, and their terms of office shall be two years.

Sessions,
 where to be
 held and when
 to commence.

§ 3. s 2. The sessions of the Legislative Assembly shall be held at the City Hall in Salt Lake City or at such other place in said City as the Legislative Assembly in joint session shall designate, and shall commence at two o'clock p. m. on the second Monday of January next after the election of the members thereof.

Members priv-
 ileged from
 arrest, excep-
 tions.

§ 4. s 3. The members of the Legislative Assembly shall be privileged from arrest and summons during the sessions thereof or during the time of their going to and returning from said sessions, except for felony; and no suit at law against any member shall be prosecuted during said sessions.

Term of office
 of present in-
 cumbents not
 affected.

§ 5. s 4. Nothing in this act shall be construed to change or effect the terms of office of the members of the present Legislative Assembly.

APPORTIONMENT OF REPRESENTATION.

Council and Representative Districts Established by the Governor, Territorial Secretary and Board of Commissioners, 1887.

REPRESENTATIVE DISTRICTS.

NUMBER ONE.

§ 6. Rich County, and Logan, Hyde Park, Smithfield and Providence Precincts of Cache County, shall constitute District No. 1.

NUMBER TWO.

The balance of Cache County shall constitute District No. 2.

NUMBER THREE.

The County of Box Elder shall constitute District No. 3.

NUMBER FOUR.

Ogden City Precinct of Weber County shall constitute District No. 4.

NUMBER FIVE.

The balance of Weber County shall constitute District No. 5.

NUMBER SIX.

Morgan County, Davis County and Pleasant Green Precinct, Hunter Precinct and North Point Precinct, of Salt Lake County, and Henneferville Precinct, of Summit County, shall constitute District No. 6.

NUMBER SEVEN.

The balance of Summit County (excepting Kamas, Woodland and Peoa Precincts) and Mountain Dell and

Sugar House Precincts of Salt Lake County, shall constitute District No. 7.

NUMBER EIGHT.

All of Tooele County and Bingham Precinct, in Salt Lake County, and Tintic Precinct, Juab County, shall constitute District No. 8.

NUMBER NINE.

First Salt Lake City Precinct of Salt Lake County, shall constitute District No. 9.

NUMBER TEN.

Second Salt Lake City Precinct of Salt Lake County, shall constitute District No. 10.

NUMBER ELEVEN.

Third and Fourth Salt Lake City Precincts, and Brighton and Granger Precincts of Salt Lake County, shall constitute District No. 11.

NUMBER TWELVE.

Fifth Salt Lake Precinct of Salt Lake County, shall constitute District No. 12.

NUMBER THIRTEEN.

North Jordan, West Jordan, Ft. Harriman, South Jordan, Riverton, Bluffdale, South Cottonwood and Sandy Precincts of Salt Lake County, shall constitute District No. 13.

NUMBER FOURTEEN.

Farmers, East Mill Creek, Mill Creek, Big Cottonwood, Little Cottonwood, Butler, Granite, Union, Draper, and Silver Precincts, of Salt Lake County, shall constitute District No. 14.

NUMBER FIFTEEN.

Lehi, Fairfield, Cedar Fort, Goshen, Santaquin, Spring Lake, Payson and Spanish Fork Precincts, of Utah County, shall constitute District No. 15.

NUMBER SIXTEEN.

Provo, Provo Bench, American Fork, Pleasant Grove and Lakeview Precincts, of Utah County, shall constitute District No. 16.

NUMBER SEVENTEEN.

Winter Quarters Precinct, in Sanpete County and Springville, Thistle, Pleasant Valley Junction, Benjamin and Salem Precincts, of Utah County, and Buena Precinct, San Juan County, and all of Emery County, shall constitute District No. 17.

NUMBER EIGHTEEN.

Kamas, Woodland and Peoa Precincts, of Summit County, and all of Wasatch and Uintah Counties, shall constitute District No. 18.

NUMBER NINETEEN.

Nephi, Mona, Levan and Juab, Precincts of Juab County, and all of Millard County, shall constitute District No. 19.

NUMBER TWENTY.

Thistle, Fairview, Mount Pleasant, Spring City, Moroni, Fountain Green, Freedom and Ephraim, Precincts of Sanpete County, shall constitute District No. 20.

NUMBER TWENTY-ONE.

Manti, Petty, Mayfield, Gunnison and Fayette, Precincts of Sanpete County, and all of Sevier County, shall constitute District No. 21.

NUMBER TWENTY-TWO.

All of Beaver and Piute Counties shall constitute District No. 22.

NUMBER TWENTY-THREE.

All of Iron and Garfield Counties and Bluff City and McElmo, Precincts of San Juan County, and New Harmony,

Precinct of Washington County, shall constitute District No. 23.

NUMBER TWENTY-FOUR.

All of Washington and Kane Counties, except New Harmony, Precinct of Washington County, shall constitute District No. 24.

COUNCIL DISTRICTS.

NUMBER ONE.

§ 7. First and Sixth Representative Districts shall constitute District No. 1.

NUMBER TWO.

Second and Third Representative Districts shall constitute District No. 2.

NUMBER THREE.

Fourth and Fifth Representative Districts shall constitute District No. 3.

NUMBER FOUR.

Seventh and Ninth Representative Districts shall constitute District No. 4.

NUMBER FIVE.

Tenth and Twelfth Representative Districts shall constitute District No. 5.

NUMBER SIX.

Eleventh and Fourteenth Representative Districts shall constitute District No. 6.

NUMBER SEVEN.

Eighth and Thirteenth Representative Districts shall constitute District No. 7.

NUMBER EIGHT.

Fifteenth and Sixteenth Representative Districts shall constitute District No. 8.

NUMBER NINE.

Seventeenth and Eighteenth Representative Districts shall constitute District No. 9.

NUMBER TEN.

Nineteenth and Twentieth Representative Districts shall constitute District No. 10.

NUMBER ELEVEN.

Twenty-First and Twenty-Second Representative Districts shall constitute District No. 11.

NUMBER TWELVE.

Twenty-Third and Twenty-Fourth Representative Districts shall constitute District No. 12.

§ 8. ⁽¹⁴⁾ It shall be the duty of the secretary of the Council and the chief clerk of the House to issue a certificate to each person elected by the joint vote of the Legislative Assembly, notifying them of the office to which they have been elected.

Who to notify
officers elected
by Assembly.
Feb. 21, 1859.

CHAPTER III.

TERRITORIAL OFFICERS AND THEIR GENERAL DUTIES.

SECTION.

TREASURER AND AUDITOR.

- 9 Treasurer's official oath and bond.
- 10 Treasurer's duties.
- 11 Same.
- 12 Auditor's official oath and bond.
- 13 Auditor's duty.
- 14 Vacancies, how filled.
- 15 Other duties of Treasurer and other officers.
- 16 Other duties of Auditor.
- 17 Same.
- 18 Treasurer to make report to Legislature.
- 19 County officers to report.
- 20 County Clerk to report.
- 21 Proceedings against delinquent officers and agents; where money collected to be deposited.
- 22 Officers to deliver books, etc., to successors.

SECTION.

- 23 Seal of Territory to be procured.
- 24 Seal of Auditor to be procured.
- 25 Treasurer to procure canceling stamp.
- 26 How appropriations to be paid.
- 27 Warrants to be registered and paid in the order of registry.

SURVEYOR GENERAL.

- 28 Ordinance creating the office of Surveyor general.
- 29 How Surveyor general to distribute books, etc.

SEALER OF WEIGHTS AND MEASURES.

- 30-43 Office of Sealer of Weights and Measures; and duties

RECORDER OF MARKS AND BRANDS.

- 44-47 Recorder of Marks and Brands; and duties.

TERRITORIAL TREASURER AND AUDITOR OF PUBLIC ACCOUNTS.

[Election of provided for in Section 4, Act of February 22, 1878.]

Oath of office
and bond of
the Territorial
Treasurer.
Feb. 16, 1880.

§ 9. The Territorial Treasurer shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the United States and the laws of this Territory, and to faithfully discharge the duties of his office, and shall give a bond to the Territory of Utah in such sum not exceeding the whole amount of the revenue of the Territory for the year next preceding his election, nor less than one-half thereof; and with such sureties as the auditor of public accounts and the probate judge of Salt Lake county shall determine and approve, conditioned for the faithful performance of the duties of said office; which oath of office and bond shall be filed with the auditor of public accounts.

Duty of treasurer.
Feb. 20, 1852.

§ 10. ⁽⁴⁶⁾ The treasurer shall receive all moneys or other property belonging to the Territory that may be raised by taxation or otherwise; and shall procure suitable books in which he shall enter an account of his receipts and disbursements, to whom made, and on what account.

§ 11. ⁽⁴⁷⁾ The treasurer shall pay all moneys that may come into his hands, by virtue of his office, upon drafts or orders, countersigned by the auditor of public accounts; and shall annually report to the Governor, on or before the first day of December, or oftener, if required by the Governor, a true account of his receipts and disbursements, with the necessary vouchers for the same; and shall deliver to his successor in office, all books, moneys, accounts, or other property belonging to the Territory, so soon as his successor shall become qualified. Same.
Feb. 20, 1852.

§ 12. The auditor of public accounts shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the United States and the laws of this Territory, and to faithfully discharge the duties of his office, and shall give a bond to the Territory of Utah, in such sum not exceeding the whole amount of the revenue of the Territory for the year next preceding his election, nor less than one-half thereof; and with such sureties as the probate judge of Salt Lake county shall determine and approve, conditioned for the faithful performance of the duties of said office, which oath of office and bond shall be filed with the said probate judge. Oath of office
and bond of
the auditor
of public
accounts.
Feb. 16, 1880.

§ 13. ⁽⁴⁹⁾ The auditor of public accounts shall examine and audit all public accounts connected with the pecuniary affairs of the Territory, and shall report the same to the Governor, on or before the first day of November in each year, and oftener if required by the Governor, and shall deliver to his successor in office, all books, moneys, accounts, or other property, belonging to the Territory, so soon as his successor shall become qualified. Duty of Auditor.
Feb. 20, 1852.

§ 14. ⁽⁵⁰⁾ Vacancies may be filled by executive appointment in the foregoing, or any offices, when the mode of supplying vacancies is not prescribed by law. Vacancies,
how filled.
Feb. 20, 1852.

§ 15. The Territorial treasurer, road commissioner, surveyor general, recorder of marks and brands, warden of the penitentiary, and all other Territorial officers or agents having the care, custody, purchase or expenditure of any money or public property shall, on or before the first day of December in each year, report to the auditor of public accounts an accurate invoice of the property on hand, with accompanying vouchers for the property purchased during the year. They shall also submit an invoice and proper vouchers for money Certain officers
to report
to auditor.
Feb. 17, 1870.

and property paid out during each year ending November thirtieth.

Auditor to report to Legislative Assembly.
Feb. 17, 1870.

§ 16. ⁽⁵³⁾ The auditor shall carefully examine all such reports and vouchers, and see that the property is suitably cared for, and the money judiciously expended, according to law and the design of the appropriation; and for this purpose he is hereby authorized to administer an oath to any person he may wish to have testify in the premises. He shall make a condensed report of the several reports herein contemplated, and submit the same to the Legislative Assembly during the first week of its regular session, with such recommendations or suggestions as he may think proper, for the consideration of the Assembly.

Auditor to report to treasurer.
Feb. 17, 1870.

§ 17. ⁽⁵⁴⁾ The auditor shall make a report to the Territorial treasurer of the property in his care, as is contemplated for other officers to report to him as provided for in section one of this act.

Treasurer to report to Assembly.
Feb. 17, 1870.

§ 18. ⁽⁵⁵⁾ The treasurer shall make a report to the Legislative Assembly and be governed in the discharge of his duties as is contemplated for the auditor in section two of this act.

County officers or agents, to report to the county clerks.
Feb. 17, 1870.

§ 19. ⁽⁵⁶⁾ All county officers or agents having the care or disposal of county money or other property, shall make a report to the clerk of the county court in like manner as is provided for Territorial officers to report to the auditor in section one of this act.

County clerk to report to the county treasurer.
Feb. 17, 1870.

§ 20. ⁽⁵⁷⁾ The clerk of the county court shall be governed in the discharge of his duties as is provided for the auditor in section two of this act; he shall also make a report of the property in his care to the county treasurer annually, on the first day of December: *Provided*, however, said condensed report, referred to in section two of this act, shall be made to the county court at the regular December term, instead of to the Legislative Assembly.

Proceedings against delinquent officers or agents.
Feb. 17, 1870.

§ 21. ⁽⁵⁸⁾ In case any officer or agent, contemplated in this act, shall neglect to make a report or deposit a receipt as herein required, the officer to whom such report or receipt is returnable, shall notify the proper prosecuting attorney of the facts in the case, and it is hereby made the duty of such attorney to proceed against such delinquent officer or agent on his bonds, contract or agreement as soon as practicable. When judgment is rendered and executed, the money received

shall be paid by the proper officer into the Territorial treasury, Where money collected on proceedings, etc., shall be deposited. if from a delinquent Territorial officer or agent; if from a delinquent county officer or agent, it shall be paid to the county treasurer. Attested copies of receipts for all money paid into either treasury shall be deposited, if from the Territorial treasury, with the auditor of public accounts by the first day of January annually; if from the county treasury, with the clerk of the county court, annually, on the first day of the session of the December term of said court.

§ 22. ⁽⁵⁹⁾ Officers or agents, contemplated in this act, Officers or agents to deliver moneys, books, etc., to their successors. shall deliver to their successors in office all moneys, books, papers and other property belonging to the office and take a receipt therefor, and when from the Territorial treasurer Feb. 17, 1870. deposit an attested copy thereof with the auditor of public accounts; when from the county treasurer deposit said copy with the clerk of the county court, which copies shall be deposited within thirty days from the date of receipt.

§ 23. ⁽⁶⁰⁾ The auditor of public accounts be, and is Territorial seal. hereby authorized and required to procure a new seal for the Feb. 15, 1872. Territorial secretary's office; the pattern and design of said seal to be the same as the original Territorial seal, excepting the year of date, which shall be represented by figures, and not as in the original by Roman letters; said seal to be two inches in diameter.

§ 24. ⁽⁶¹⁾ The auditor of public accounts is authorized and required to procure a suitable seal of office, and to impress said seal on all warrants, and on all other official papers issued by him; and for the amount of costs of said seal, he is herein authorized to draw on the Territorial treasurer. Seal for auditor. Feb. 15, 1872.

§ 25. ⁽⁶²⁾ It shall be the duty of the Territorial treasurer to procure a proper canceling stamp, and imprint the same on all auditor's warrants redeemed by him, and deposit said warrants in his office. Treasurer to procure canceling stamp. Feb. 15, 1870.

§ 26. s 1. Whenever an appropriation of money from the Territorial treasury is made, exceeding in amount the sum of two thousand dollars, and not more than five thousand dollars, the auditor of public accounts shall, if required, issue his warrants for the same in two equal half-yearly instalments; when the sum appropriated is more than five thousand dollars, the auditor of public accounts shall, if required, issue his warrant for the same in equal quarter-yearly Defining how certain appropriations are to be paid. March 9, 1882.

instalments, but in neither of said cases shall he issue his warrants oftener nor in larger instalments than as aforesaid.

Warrants to be registered and paid in order of registry.
March 9, 1882.

§ 27. s 2. All warrants heretofore or hereafter drawn by the auditor of public accounts on the Territorial treasurer shall be paid in the order of their presentation and registry, as herein provided: Whenever any such warrant shall be presented to the Territorial treasurer for payment, and there is no money in the treasury applicable thereto, he shall endorse on said warrant, "Not paid for want of funds," with the date, and make a registry thereof in a book kept for that purpose, noting the time of such presentations for payment, and thereafter all such warrants so presented shall be paid, or the money held in reserve therefor, by the said treasurer, in the order of their presentation and registry, and not otherwise.

SURVEYOR GENERAL.

Providing for election of surveyor general.
March 2 1850.

§ 28. ⁽⁶³⁾ That a surveyor general for the State shall be elected by the General Assembly, whose term of office shall be four years, and until his successor is elected and qualified, unless sooner superceded by legislative election.

To take oath of office and give bonds.

⁽⁶⁴⁾ The surveyor general shall take an oath of office and give bond and security to be approved by the auditor of public accounts, and filed in his office.

Duties of.

⁽⁶⁵⁾ The surveyor general shall keep a record of all surveys made by himself or reported to him by other surveyors, in a book suitable for the purpose. He shall also have a general superintendence and supervision of all surveys of land made within the State.

Same.

⁽⁶⁶⁾ It shall be the duty of the surveyor general, and all county surveyors, to supervise all surveys made in their respective jurisdiction, that the same may be accurate, and no report shall be filed for record until the same shall be certified to by the surveyor general or county surveyor, as being correct.

All surveys made to correspond with original survey

⁽⁶⁷⁾ All surveys made in this State shall be made to correspond with the original survey of Salt Lake City, and in all new surveys certificates approved by authorized surveyors shall be considered title of possession to the holding [holders] of the same for the amount of land therein described.

⁽⁶⁸⁾ That the surveyor general is hereby authorize

and required to give, to the person for whom he makes a survey, a certificate thereof, describing the tract, block, or lot, and specifying its area; and such certificate shall be title of possession to the person holding it.

To give certain certificates.
Jan. 19, 1866.

(69) Certificates of surveys, given by the surveyor general, previous to this act taking effect, are hereby made valid.

Former certificates validated.
Jan. 19, 1866.

(70) All books, records, plots and papers of surveys made within the Territory, kept by and in possession of the surveyor general appertaining to his office, are hereby made the property of the said Territory, and it shall be his duty to transmit the same to his successor in office. (1)

Books, etc., to be property of Territory.
March 3, 1852.

§ 29. s 2. It is hereby made the duty of the surveyor general to distribute all books, records, plats and papers of surveys made within the counties in the Territory in his possession and appertaining to his office, to the county surveyors, the portions relating to their respective counties, and all other property belonging to said office to the county surveyor of Salt Lake county and when so distributed to be the property of said counties.

Books, papers, etc., to be filed in office of surveyor, Salt Lake County.
March 13, 1884.

SEALER OF WEIGHTS AND MEASURES.

§ 30. (71) There shall be elected by the joint vote of the Legislative Assembly, a Sealer of Weights and Measures, whose term of office shall be four years, and until his successor is elected and qualified, unless sooner superseded by legislative election, who shall, immediately after receiving official notice of his election, give bonds with approved security, to the acceptance of and filed with, the auditor of public accounts, and be commissioned by the Governor as other Territorial officers.

Election of sealer of weights and measures.
Jan. 14, 1857.

§ 31. (72) It shall be the duty of the person so elected, to procure, as soon as practicable after his election, a full set of weights and measures, which shall be according to the seal and standard of the United States; who shall appoint a deputy in each organized county, on application of the county court, except the county in which he resides, and shall furnish said deputy with a set of weights and measures at the expense of the county making application.

Duties of.

§ 32. (73) All weights and measures used by millers, merchants or any other dealers in dry or wine measures or other merchandise, shall be gauged and sealed according to said

Weights, etc., gauged and sealed.

(1) Surveyor general's office abolished by Act, March 13, 1884.

standard by the Territorial sealer of weights and measures or his deputy, who is hereby authorized to demand and collect from any person obtaining from him his official seal, to any weight or measure, a reasonable compensation for the same.

Penalty, etc.

§ 33. ⁽⁷⁴⁾ Any person dealing in any article of produce or merchandise who shall use weights or measures, other than the standard herein specified, shall be liable to pay a fine of not less than one, nor more than five hundred dollars for each offence, and all damages accruing therefrom, to the party injured, by any action before any court having jurisdiction thereof.

To procure
suitable rooms
etc.
Jan. 19, 1867.

§ 34. ⁽⁷⁵⁾ It shall be the duty of the sealer of weights and measures to procure a house or suitable room for the use of the standard weights and measures belonging to this Territory, and he shall keep open the house or room one day in each week, or as often as he may find necessary.

Accounts to be
kept.

§ 35. ⁽⁷⁶⁾ The sealer of weights and measures shall keep an accurate account of all official receipts and disbursements, and make a report to the Legislative Assembly during the first week in each annual session.

What to have
charge of

§ 36. ⁽⁷⁷⁾ He shall take charge of the standard weight and measures belonging to the Territory, and safely keep and preserve them until his successor is elected and qualified, to whom he shall turn them over.

Fees.

§ 37. ⁽⁷⁸⁾ The fees for sealing weights and measures shall be as follows: For each examination, testing, sealing and certifying, as required from the owner of the same, viz., for any steelyards, beam, ground, floor, platform, counter or other scales by which may be weighed not exceeding one hundred pounds, seventy-five cents. For any such instrument by which may be weighed over one hundred and less than six hundred pounds, one dollar; over six hundred pounds, one dollar and fifty cents. For any nests or set of measures, seventy-five cents. For any yard stick, dry or liquid measure, twenty-five cents; and the weights attached to any scales shall, as to the compensation of the sealer of weights and measures, be considered as part of the scales: *Provided*, that where any such weights, measures or instruments, upon subsequent examination, be found correct and shall not require to be stamped a second time, the aforesaid sealer of weights and measures shall not receive more than one-half the compensation provided for.

§ 38. ⁽⁷⁹⁾ The sealer of weights and measures shall examine and test any of the before mentioned instruments Examine and test weights and measures. for weighing or measuring, on application by any person who shall tender to him the fee which, by the preceding section, he is authorized to receive; and he shall, in every case where he may employ labor or material in making accurate weights or measures, be entitled to extra compensation therefor, and to retain the article upon which such labor or material has been employed until such compensation be paid.

§ 39. s 1. The Territorial sealer of weights and measures Deputies to be appointed, term of office, etc. is hereby directed to appoint for each organized county in this Territory a deputy sealer of weights and measures, March 9, 1882. whose term of office shall be four years, and until his successor is appointed and qualified, who shall give a bond, with approved sureties, in the sum of five hundred dollars, to the acceptance of the probate judge of the county.

§ 40. s 2. It shall be the duty of each of the persons so Deputies to procure weights and measures, etc. appointed to procure, as soon as practicable after his appointment, at the expense of his county, a full set of weights and measures; which shall be according to the seal and standard of the United States, and shall have them gauged and sealed biennially by the Territorial sealer of weights and measures, To be gauged biennially. and the same shall be the standard in each county.

§ 41. s 3. It is hereby made the duty of the Territorial Semi-annual inspection to be made. sealer of weights and measures and his deputies to inspect semi-annually all weights and measures used by millers, coal dealers, merchants or others, which shall be gauged and sealed according to said standard, in the county where such persons are doing business, and said officers are hereby authorized to demand and collect for such services the following fees: Any steelyards or beam, ground, floor, platform, counter or other scales, by which may be weighed not exceeding two hundred pounds, 25c.; any such instruments by which may be weighed over two hundred and less than six hundred pounds, 50c.; any such instrument by which may be weighed over six hundred and less than twelve hundred pounds, \$1.00; any such instrument by which may be weighed over twelve hundred pounds, \$1.50; for any yard stick or dry or liquid measure, 10; any nests or set of measures, 25c. The weights attached to any scale, so far as relates to the compensation of the sealer of weights and measures, shall be considered part of the scale.

Penalty for using other than standard measures, short weight, etc.

§ 42. s 4. Any person dealing in any article of produce or merchandise, who shall himself, or by his agent or employe, use any weight or measure other than the standard herein specified, or who shall himself, or by his agent or employe, give short weight or measure, or less than the full quantity of any article sold, shall be liable for each offence to a fine in any sum less than three hundred dollars and to all damages accruing from such offence to the party injured.

When deputy may not be appointed.

§ 43. s 5. The provision of the first section of this act, requiring the appointment of deputies by the Territorial sealer of weights and measures, shall not apply to the county of which he may be a resident, unless he may so elect.

RECORDER OF MARKS AND BRANDS.

Establishing general office. Jan. 13, 1866.

§ 44. ⁽⁸⁰⁾ A general office for recording marks and brands shall be kept at the seat of government, and a recorder for the same shall be elected by the Legislative Assembly, whose term of office shall be four years, and until his successor is elected and qualified, unless sooner superseded by legislative election; he shall give bonds, with approved security, to the acceptance of, and filed with, the auditor of public accounts.

Auxiliary offices.

§ 45. ⁽⁸¹⁾ There shall also be an auxiliary office in every county other than that in which the general office is located, and the duties thereof are hereby devolved on the clerks of the county courts respectively.

Duty of persons desiring recorded mark or brand

§ 46. ⁽⁸²⁾ Whenever any person wishes to obtain a recorded mark or brand, application therefor may be made to the general recorder direct or through the auxiliary office of the county in which the applicant resides; and it shall be the duty of the general recorder to designate the particular mark or brand to be used by such applicant and define the place and position it shall occupy on the animal, consulting always the choice or convenience of applicants, so far as may be without interfering with previously recorded marks or brands: *Provided*, if a character is wanted for which there is no type, the applicant shall pay the extra expense thereof.

Duties of general recorder.

§ 47. ⁽⁸³⁾ The general recorder shall keep a record of all marks and brands, with the name and residence of the person owning the same, in a book suitable for the purpose, which shall be free to the inspection of all persons interested;

and he shall furnish to the owners certified copies of all marks or brands, which certificates shall be deemed evidence in law.

§ 48. ⁽⁸⁴⁾ The general recorder shall once a year, or as often as he may deem expedient, furnish the public printer a list of all recorded marks or brands which have not been previously published, and cause to be printed, at the public expense, one thousand copies, either in pamphlet or other convenient form, for reference and preservation; and shall, immediately after publication, gratuitously distribute to each auxiliary office a sufficient number of copies to supply the county clerks, sheriffs, probate judges, selectmen, city recorders, justices, constables, and poundkeepers in their respective counties; and one copy each to like officers in his own county, and the residue he may dispose of at not exceeding twenty-five cents a copy. He may also charge and receive, from each person applying for a mark or brand the fee of one dollar for each mark or brand so recorded.

To publish recorded marks and brands.

§ 49. ⁽⁸⁵⁾ Clerks of auxiliary office shall receive and forward to the general recorder all applications for recording marks and brands, and shall furnish each applicant the recorder's certificate of the mark or brand designated and recorded for him, for which service they may receive fifty cents each in addition to the recorder's fee: *Provided*, That they shall gratuitously distribute the printed copies in their respective counties, as contemplated in the fifth section. All such printed copies shall be deemed the property of the several officers respectively, and shall be delivered by them to their successors in office.

Duties of clerks of auxiliary offices.

§ 50. ⁽⁸⁶⁾ Any person, using a like brand in the position and place recorded to another, or who shall brand another person's animal without the owner's permission, or who shall, without such permission, alter, erase, or deface any brand recorded to another, shall be deemed guilty of a misdemeanor, and shall be liable to a fine in any sum not exceeding one hundred dollars for each offence.

Penalty.

CHAPTER IV.

COUNTIES.

SECTION.

- 51 Kane County.
- 52 Washington County.
- 53 Beaver County.
- 54 Piute County.
- 55 Millard County.
- 56 Sevier County.
- 57 Juab County.
- 53 Sanpete County.
- 59-60 Utah County.
- 61-63 Wasatch County.
- 64 Salt Lake County.
- 65 Davis County.
- 66 Weber County.
- 67 Box Elder County.
- 68 Tooele County.

SECTION.

- 69 Summit County.
- 70 Morgan County.
- 71 Cache County.
- 72 Rich County.
- 73 Jurisdiction of counties in case of dispute.
- 74-75 Uintah County.
- 76-78 Emery County.
- 79-81 San Juan County.
- 82 Iron County.
- 83 Garfield County.
- 84 When certain provisions took effect.
- 85-86 How disputed boundary settle.

Boundaries of Kane County. March 9, 1882. (See § 84, as to time of taking effect.)

§ 51. s 1. All that portion of the Territory of Utah, embraced within the following boundaries, to wit: Commencing at the southeast corner of section twenty-five (25), Township thirty-seven (37) south, Range ten (10) west, United States survey, Salt Lake meridian; thence running east to the main channel of the Colorado River; thence south-westerly down the channel of said river to the northern boundary line of Arizona; thence west along said boundary line to the Township line, between Townships nine (9) and ten (10) west; thence north along said township line to the place of beginning, is hereby made and named Kane county, with county seat at Kanab.

County seat.

Boundaries of Washington County. March 9, 1882. See § 84.

§ 52. s 2. All that portion of the Territory embraced within the following boundaries, to wit: Commencing at the southeast corner of Township thirty-seven (37) south, Range ten (10) west, United States survey, Salt Lake meridian; thence running west to the southeast corner of Township thirty-seven (37) south, Range fifteen (15) west; thence north to the northeast corner of said township; thence west along the township line to the eastern boundary line of Nevada; thence south along said boundary line to the northern boundary line

of Arizona; thence east along said boundary line to the township line, between Townships nine (9) and ten (10) west; thence north along said township line to the place of beginning, is hereby made and named Washington county, with county seat at St. George.

§ 53. ⁽¹⁴⁶⁾ All that portion of the Territory bounded south by Iron County, west by Nevada, north by a line running due east and west through a point two miles due south from the south side of Fort Wilden on Cove Creek and east by the range of mountains dividing Beaver and Pauvan valleys from the valley of the Sevier is hereby made and named Beaver county, with county seat at Beaver.

Beaver,
Beaver County
seat.
Jan. 10, 1866.

§ 54. ⁽¹⁴⁷⁾ All that portion of the Territory bounded south by Garfield county, west by Beaver county, north by an east and west line crossing the road on the summit of the dividing ridge between Mary's Vale and Alma, and east by Colorado Territory is hereby made and named Piute county, with county seat at the town of Junction in said county.

March 9, 1882.
Piute.
Jan. 10, 1866.
Feb. 22, 1878.

§ 55. ⁽¹⁴⁸⁾ All that portion of the Territory bounded south of Beaver county, west by the State of Nevada, east and north by the summit of the mountains separating the Sevier from Pauvan and Round valley, following said summit east of the lake in Round valley and running in a northerly direction to a point due east of the dugway over the Sevier hill about four miles south of the Sevier bridge, thence due west crossing the summit of said dugway and then following the summit of the mountain and high ground between Round and Little valleys to the summit of the mountains separating the Oak creek district from Little valley; thence northerly following the summit of said last named mountains to its most prominent point of intersection with the Sevier river, thence down the channel of said river to the mouth of its lower canyon, thence due west to the State of Nevada is hereby made and named Millard county, with the county seat at Fillmore.

Millard, Fill
more County
seat.
Jan. 10, 1866,

§ 56. ⁽¹⁴⁹⁾ All that portion of the Territory bounded south by Piute county, west by Millard county, north by an east and west line crossing the road at the fork of Willow creek between Gunnison and Salina, and east by Colorado is hereby made and named Sevier county, with county seat at Richfield.

Sevier, Rich-
field County
seat.
Jan. 10, 1866.

March 6, 1888.

Juab, Nephi
County seat.
Jan. 10, 1866.

§ 57. ⁽¹⁵⁰⁾ All that portion of the Territory bounded south by Millard and San Pete counties, west by the State of Nevada, north by an east and west line to the divide between Cherry and Faust creeks, thence along the summit of the range between Tintic and Rush valleys, and the summit of the range between Tintic valley and Cedar and Goshen valleys, and the summit of the range between Goshen and Juab valleys, and the summit of the high ground and range between Utah and Juab valleys, and east by the summit of the Nebo range of mountains, passing around the head of Salt Creek canyon, and crossing the San Pete road where it first rises upon the divide, at the head of the canyon from the west, thence following the summit of the range of mountains between Juab, Chicken creek and San Pete valleys, to a point due east from where the Gunnison road crosses the divide between Chicken creek and Sevier valley, thence on a straight line south-westerly to the upper Bluff Rocks at the south end of Cedar ridge, thence southerly to the northern end of Cedar ridge, thence southerly to the northern boundary line of Millard county, connecting with said line at a point due east of the dugway over the Sevier hill, is hereby made and named Juab county with the county seat at Nephi.

Sanpete
County.
Feb. 18, 1880.

Boundaries
of Sanpete
County.
County seat.
Feb. 18, 1880.

Utah, Provo
County seat.
Jan. 10, 1866.

§ 58. All that portion of the Territory bounded south by Sevier county, west by Millard and Juab counties, north by the township line between townships eleven and twelve south, and east by Emery county, is hereby made and named Sanpete county, with county seat at Manti.

Jan. 28, 1869.

§ 59. ⁽¹⁵²⁾ All that portion of the Territory bounded south by Juab and Sanpete counties, west by the summit of the range between Cedar and Rush valleys, north by the summit of the cross range between the Oquirrh and Wasatch mountains, east by the summit of the range passing around the head of Dry, American Fork, Battle, Hobble, and Spanish Fork creeks and a line drawn due north and south across Provo river, at a point one-fourth of a mile above the north fork of said river, to intersect of each extremity of said line the summit of the last named range, is hereby made and named Utah county, with county seat at Provo.

Territory
added to Utah
County.
Feb. 18, 1880.

March 13, 1884.

§ 60. s 2 All that portion of country lying north of Sanpete county, and west of a line running due south to Emery county line, from a point where the present wagon road leading from Spanish Fork to White river crosses the

summit of the divide between Spanish Fork and White rivers, is hereby attached to and made a part of Utah county.

§ 61. All that portion of country lying south of township line between ten and eleven south; and west of township line, between nine and ten, range east, the same heretofore having been a portion of Wasatch county, is hereby attached to and made part of Utah county.

Wasatch,
Heber City
County seat.
Jan. 10, 1866.

§ 62. ⁽¹⁵³⁾ All that portion of the Territory bounded south by Utah and Sanpete counties, west by Utah and Salt Lake counties, north by the summit of the range of mountains south of the head waters of East Canyon and Silver creeks, following said summit to the points where the road leading to Salt Lake City and Rhode's valley crosses, thence south to Provo river at the high bluff below Goddard's ranch, thence along the channel of said river to its head waters, thence easterly to the summit of the range of mountains north of Uinta valley, thence along the last named summit and south of Brown's Hole to the thirty-second meridian west from Washington City, and east by said meridian is hereby made and named Wasatch county, with county seat at Heber City.

§ 63. s 3. All that portion of country formerly belonging to Sanpete county, lying east of Utah county and north of Emery county, is hereby attached to and made a part of Wasatch county. (1)

Territory
added to
Wasatch
County.
Feb. 18, 1880.

§ 64. s 1. That all that portion of the Territory bounded south by Utah county, west by the summit of the range of mountains between Great Salt Lake and Tooele valleys, and a line running northwesterly from the northern termination of said summit, through Black Rock, on the south shore of Great Salt Lake, to a point in said lake where it intersects the base line of the United States survey, Salt Lake meridian, thence northeasterly and equidistant between Antelope Island and the south shore of Great Salt Lake, to a point on the west line of township two (2), north range one (1), west, due west from the mouth of Jordan river, thence due east to the mouth of Jordan river, thence up the center of the channel of said river to the north boundary line of Salt Lake City corporation, thence east along said line till it intersects the summit of the spur

Boundaries of
Salt Lake
County.
Feb. 18, 1880.

(1) See boundaries of Utah County, as amended ante § 61-63.

range, terminating at the Hot Springs, in said city, thence along the summit of said spur range to its intersection with the summit of the Wasatch mountains, and east by the summit of said mountains, shall be known and designated as Salt Lake county, with county seat at Salt Lake City.

County seat.

Boundaries of
Davis County.
Feb. 18, 1880.

§ 65. s 2. All that portion of the Territory bounded south by Salt Lake county, west and north by a line commencing at the northwest corner Salt Lake county, on the base line of the United States survey, Salt Lake meridian, running thence in a northwesterly direction to a point equidistant and immediately between a point on the west shore of Great Salt Lake, where it is intersected by latitude forty-one (41) degrees north, and a point on the east shore of said lake, where it is intersected by a line running due west from the center of the channel of Weber river, due north from the northwest corner of Kingston's Fort, thence northeasterly to said point on the east shore of Great Salt Lake, thence due east to said point in the center of the channel of Weber river, due north from the northeast corner of Kingston's Fort, thence up the center of said channel to a point opposite the summit of the Wasatch mountains, and east by the summit of said mountains, shall be known and designated as Davis county, with county seat at Farmington.

County seat.

Boundaries of
Weber
County.
Feb. 18, 1880.

§ 66. s 3. All that portion of the Territory bounded south by Davis county and the dividing ridge between Ogden Hole and Weber valley, west by a line commencing at the northwest corner of Davis county, in said lake, and running in a northeasterly direction, to a point on the west line of township seven (7) north, range three (3) west, Salt Lake meridian, due west from the Hot Springs by the Territorial road north of Ogden City, north, commencing at the last mentioned point and running due east to the said Hot Springs, thence by the summit of the Spur range, terminating at said Hot Springs, to its intersection with the summit of the Wasatch mountains, east by the summit of said mountains, passing around the head waters of Ogden river, shall be known and designated as Weber county, with county seat at Ogden City.

County seat.

Boundaries of
Box Elder
County.
Feb. 18, 1880.

§ 67. s 4. All that portion of the Territory bounded south by Weber county and a line commencing at the southwest corner of said Weber county, and running to a point on the west shore of Great Salt Lake, where it is intersected by

latitude forty-one (41) deg. north, thence by said latitude to the western boundary of Utah, west by Nevada, north by Idaho, and east by the summit of the range of mountains east of Malad valley crossing Bear river at the center of its lower canyon, and thence southerly along the summit of the Wasatch mountains, and passing around the head waters of Box Elder and Willow creeks, shall be known and designated as Box Elder county, with county seat at Brigham City.

Feb. 18, 1880.

County seat.

§ 68. s 5. All that portion of the Territory bounded south by Juab county, west by Nevada, north by Box Elder county, and east by Davis, Salt Lake and Utah counties, shall be known and designated as Tooele county, with county seat at Tooele City.

Boundaries
of Tooele
County.
Feb. 18, 1880.

County seat.

§ 69. ⁽¹⁶⁰⁾ All that portion of the Territory bounded south by Wasatch county, west by Salt Lake county, north by the summit of the range of mountains forming the upper canyon of East Canyon creek, thence northerly along the summit of the range of mountains between said creek and Weber river; thence across said river to, and along the summit of the high land between Plumber or Lost and Echo Canyon creeks, thence to, and along the summit next north of Yellow creek to Bear river, thence easterly across said river to the Territorial line, including all that portion of Green River county, now [remaining in Utah Territory, is hereby made and named Summit county, with county seat at Coalville.

Summit, Coal-
ville County
seat.
Jan. 10, 1866.

Feb. 16, 1872.

§ 70. ⁽¹⁶¹⁾ All that portion of the Territory bounded south and east by Summit county, west by Salt Lake, Davis and Weber counties, and north by Weber county and a line running from a point in the eastern boundary of Weber county nearest the most eastern head waters of Ogden river along the summit of the high lands or ranges passing around the head waters of Plumber or Lost creek, easterly to the point where the north boundary of Summit county crosses Bear river is hereby made and named Morgan county, with county seat at Morgan City.

Morgan, Mor-
gan City
County seat.
Jan. 10, 1866.

Jan. 10, 1866.

Feb. 9, 1868.

§ 71. ⁽¹⁶²⁾ All that portion of the Territory bounded south by Morgan, Weber and Box Elder counties, west by Box Elder county, north by latitude forty-two degrees north, and east by the summit of the ridge mountains between Cache and Bear Lake valleys is hereby made and named Cache county, with the county seat at Logan City.

Cache, Logan
City County
seat.
Jan. 10, 1866.

Rich, Ran-
dolph County
seat
Jan. 10, 1866.
Feb. 16, 1872

§ 72. ⁽¹⁶³⁾ That all of that district of country embraced within the following boundaries, to-wit: Commencing on the ridge west of Swan creek on the Utah and Idaho Territorial line, at the point dividing Cache and Rich counties, thence southward on said ridge to a point near Wasatch and strike the railroad one mile east of Wasatch Station, thence along the north side of the railroad to where it enters Bear river valley, thence directly east to the Wyoming line, thence north along said line to where it strikes Idaho, thence west to the place of beginning, shall be known and designated under the name of Rich county and the town of Randolph is hereby constituted the county seat.

Jurisdiction
of counties in
case of dispute
Jan. 10, 1866.

§ 73. ⁽¹⁶⁴⁾ When any uncertainty or dispute arises as to what county an act or transaction has transpired in, either of the counties in which it is fairly presumable such act or transaction has occurred is hereby authorized to have jurisdiction in the case.

Boundaries
of Uintah
County.
Feb. 18, 1880.

§ 74. s 1. That all that portion of the Territory of Utah embraced within the following boundaries, to-wit: Commencing at the northeast corner of Utah Territory, on the Colorado line, thence west to the one hundred and tenth (110th) meridian, thence south to the main channel of Green river, thence down said river to the north line of Emery county, thence easterly along said line to where it strikes the Colorado line, thence north along said line to the place of beginning, is hereby made and named Uintah County, with county seat at Ashley, which county is hereby attached to and made part of the First Judicial District of this Territory.

County seat.

Officers, term
of office, and
their duties.
Feb. 18, 1880.

§ 75. s 2. For the purpose of organizing said county, the following officers are hereby appointed: Jeremiah Hatch, probate judge; Pardon Dodds, Thomas Bingham and Isaac Burton, selectmen; who shall qualify by taking an oath of office to faithfully perform the duties thereof. They shall hold said offices until the first annual election, and until their successors shall be elected and qualified. They shall commence the duties of their offices, by proceeding, on or before the first Monday in May, 1880, to organize, and to appoint a clerk and assessor and collector, and such other officers as may be necessary to serve until the regular election. They shall establish the boundaries of precincts, and designate voting places, and appoint judges of election, and give notice of the regular annual election to be held and conducted

according to the laws of the Territory; *Provided*, That at said first election the voters need not be registered as required by law. At said first election candidates for all Territorial, county and precinct officers made elective by law, shall be placed in nomination, and those receiving the highest number of votes shall be entitled to serve the term prescribed by law.

At first election voters need not be registered.

§ 76. s 1. All that portion of the Territory of Utah bounded as follows, to-wit: Commencing at a point where parallel 38 deg. 30 min. north latitude crosses Green river, thence west along the said parallel, to a point six miles west of the first guide meridian east of the Salt Lake meridian, thence north along the township line between ranges five (5) and six (6) east, to the third standard parallel south, thence east to the first guide meridian, thence north along said first guide meridian to the township line between townships eleven (11) and twelve (12) south; thence east along the last mentioned township line to Green river, thence down the main channel of Green river to the place of beginning, is hereby made and named Emery county, with county seat at Castle Dale, which county is hereby attached to and made part of the First Judicial District. (1)

Boundaries of Emery County.
Feb. 12, 1880.

County seat.

§ 77. s 2. For the purpose of organizing said county, the following officers are hereby appointed: Samuel Jewks, probate judge; Elias Cox, Jasper Petersen and William Taylor, selectmen; who shall qualify by taking an oath of office, conditioned for the faithful performance of the duties thereof. They shall enter upon the duties of their respective offices on the second Monday in March, A. D. 1880, appoint a county clerk and organize a county court, and when so organized, shall appoint all county officers necessary for the full and complete organization of said county, and the transaction of all business matters therein, who shall, before entering upon the duties of their offices, qualify as the law directs. Said court shall define the boundaries of precincts, appoint judges of election, and otherwise provide for an election to be held at the time of the general election in the year 1880; said election shall be held, conducted and returns thereof made, in accordance with the election laws of Utah: *Provided*, That the voters at said first election need not be registered.

Officers, when to assume their duties.
Feb. 12, 1880.

At first election voters need not be registered.

(1) Boundaries changed by provisions of § 79, creating San Juan County.

Length of term
of officers by
this Act.

§ 78. s 3. The probate judge, selectmen and all other officers appointed under the provisions of this act, shall hold their offices until the first general election, and until their successors are elected and qualified.

Boundaries of
San Juan
County.
Feb. 17, 1880.

§ 79. s 1. All those portions of the counties of Kane, Iron, and Piute, lying east of the main channel of the Colorado and Green rivers, and south of parallel 38 deg. 30 min. north latitude, are hereby made and named San Juan county, which is hereby attached to and made part of the Second Judicial District of this Territory. And all that portion of this Territory lying east of Green river and between the said parallel 38 deg. 30 min., and a line running due east from the mouth of Price river to the summit of Brown cliffs, thence following the summit of said cliffs to the eastern boundary of Utah Territory, is hereby attached to and made part of Emery county.

Changing
boundaries
of Emery
County.

Officers of San
Juan County.
Feb. 17, 1880.

§ 80. s 2. For the purpose of organizing San Juan county, the following officers are hereby appointed; Silas S. Smith, probate judge; Platte D. Lyman, Jens Nielsen, and Zachariah B. Decker, selectmen; who shall qualify by taking an oath of office to faithfully perform the duties thereof. They shall hold said offices until the first annual election, and until their successors shall be elected and qualified. They shall commence the duties of their offices by proceeding on or before the first Monday in May, 1880, to organize and to appoint a clerk and an assessor and collector, and such other officers as may be necessary to serve until the regular election. They shall establish the boundaries of precincts, and designate voting places, and appoint judges of election, and give notice of the regular annual election to be held and conducted according to the laws of the Territory: *Provided*, That at said first election the voters need not be registered as required by law. At said first election candidates for all Territorial, county and precinct officers made elective by law shall be placed in nomination, and those receiving the highest number of votes shall be entitled to serve the term prescribed by law.

When to as-
sume their
offices and
their duties.

At first elec-
tion voters
need not be
registered.

Location of
county seat.
Feb. 17, 1880.

§ 81. s 3. The county seat shall be located at such point as may receive the highest number of votes therefor, which shall be ascertained and certified to by the officers of the county court who shall count the votes cast at said election.

§ 82. s 3. All that portion of the Territory embraced within the following boundaries, to-wit: Commencing at the north-west corner of Township thirty-one (31) south, Range five (5) west, United States survey, Salt Lake meridian, thence running south on the township line, between Ranges five (5) and six (6) west, to the northeast corner of Township thirty-four (34) south, Range six (6) west; thence west on said line to the northwest corner of Township thirty-four (34), south Range six (6) west; thence south on the township line, between Ranges six (6) and seven (7) west, to the northeast corner of Township thirty-five (35), south Range seven (7) west, thence west to the township line between Ranges seven (7) and eight (8) west, thence south on said line to the north boundary line of Kane county; thence west along said line to the southeast corner of section twenty-five (25), Township thirty-seven (37) south, Range ten (10) west, to the southeast corner of said township; thence west along the township line, between Township thirty-seven (37) and thirty-eight (38) south, to the southeast corner of Township thirty-seven (37) south, Range fifteen (15) west; thence north to the northeast corner of said township; thence west on the township line, between Township thirty-six (36) and thirty-seven (37), to the east boundary line of the State of Nevada; thence north along said line to the township line, between Townships thirty (30) and thirty-one (31) south; thence east along said line to the place of beginning, is hereby made and named Iron county, with county seat at Parowan.

Boundaries of
Iron County,
March 9, 1882.

March 13, 1884.

County seat.

§ 83. s 4. All that portion of the Territory embraced within the following boundaries, to-wit: Commencing at the northwest corner of Township thirty-one (31) south, Range five (5) west, United States survey, Salt Lake meridian; thence running east along the township line, between Townships thirty (30) and thirty-one (31) south, to the main channel of the Colorado river; thence southwesterly down the channel of said river to the northern boundary line of Kane county; thence west along said boundary line to the township line between Ranges seven (7) and eight (8) west, thence north over said line to the northwest corner of township thirty-five (35) south, Range seven (7) west, thence east to the township line between Townships (6) and seven (7) west; thence north along said line to the northwest corner of

Boundaries
of Garfield
County.

March 9, 1882.

March 13, 1884.

Township thirty-four (34) south, Range six (6) west; thence east to northeast corner of said township; thence north along the township line between Township five (5) and six (6) west, to the place of beginning, is hereby made and named Garfield county, with county seat at Panguitch, and is hereby attached to and made part of the Second Judicial District of this Territory, and remains connected with Iron county for legislative representation. For the purpose of organizing Garfield county the following officers are hereby appointed: James Henrie, probate judge; Andrew P. Schow, Ira Elmer and Jesse W. Crosby, selectmen; who shall qualify by taking an oath of office to faithfully perform the duties thereof. They shall hold said office until the first annual election, and until their successors shall be elected and qualified. They shall commence the duties of their offices by proceeding, on or before the first Monday in May, 1882, to organize and to appoint a clerk, and an assessor and collector, and such other officers as may be necessary to serve until the regular election. They shall establish the boundaries of precincts and designate voting places, and appoint judges of election, and give notice of the regular annual election to be held and conducted according to the laws of the Territory: *Provided*, That at said first election the voters need not be registered as required by law. At said first election candidates for all Territorial, county and precinct officers, made elective by law, shall be placed in nomination, and those receiving the highest number of votes shall be entitled to serve the term prescribed by law.

Act takes effect, when. § 84. s 5. This act shall take effect for Kane, Iron, and Washington counties, for election purposes, on and after the first day of July, 1882, and for all other purposes from and after the first day of January, 1883, and for Garfield county as provided in section four (4) of this act. (1)

Feb. 20, 1878. Territorial Surveyor general authority to determine disputed county boundary lines. § 85. s 1. The Territorial surveyor general is hereby appointed a Territorial Commissioner, with power and authority to determine disputed county boundary lines in this Territory in the manner hereafter provided.

Disputes concerning County boundary lines, how settled. Feb. 20, 1878. § 86. s 2. Whenever any dispute or uncertainty shall arise as to any county boundary, the same may be determined by the county surveyors of the counties interested, and in case

(1) Section 4 here referred to is the next preceding section.

they fail to agree, or otherwise fail to establish the boundary, the county courts of either or both counties interested, may engage the services of the aforesaid Territorial Commissioner, who, with the said county surveyors, or either of them, if but one appear for that purpose, shall proceed forthwith to permanently determine such boundary line at the expense of the counties interested by making the necessary surveys and erecting suitable monuments to designate said boundaries, which shall be deemed permanent until superseded by legislative enactment. Nothing in this act shall be construed to give the surveyors, mentioned herein, any further authority than to erect suitable monuments to designate said boundaries as they are now established by law. (1)

Surveyor can
only erect
suitable monu-
ments to
designate
boundaries

(1) Ante § 70; office of Surveyor general abolished.

CHAPTER V.

COUNTY AND PRECINCT OFFICERS.

COUNTY OFFICERS AND THEIR DUTIES.

SECTION. PROBATE JUDGES.

- 87 Probate Judge in each county; term of office.
- 88 How to qualify.
- 89 To preside in county court and reside at county seat.
- 90 His fees.

CLERK OF COUNTY COURT.

- 91 Clerk of county court to be elected biennially; he is *ex-officio* clerk of probate court; term of office.
- 92 How to qualify.
- 93 To keep his office at county seat; his duties relative to seal, etc.
- 94 His powers; other duties.
- 95 Enumeration of his duties.
- 96 To keep an account of what; to make statement to county court; what it is to show; to authenticate proceedings of county court.
- 97 May appoint a deputy; responsibility for his acts.
- 98 His compensation to be fixed by the county court as a salary. fee bill as clerk of county court and clerk of probate court.

COUNTY TREASURER.

- 99 County Treasurer to be biennially elected; term of office.
- 100 When and how to qualify.
- 101 His duties.
- 102 His salary.

SHERIFF.

- 103 Sheriff to be elected every two years; term of office.
- 104 How to qualify.
- 105 May appoint a deputy.
- 106 On tender of fee bound to execute process.
- 107 To take charge of jail.
- 108-109 Duty as jailor.

SECTION.

- 110 How jails shall be used.
- 111 What persons to be confined separately.
- 112 Service of papers on prisoners.
- 113 Guard, when and how appointed and for what purposes.
- 114 Duty to receive persons committed; his compensation.
- 115 Deposit when commitment made in civil cases.
- 116 His duty to serve process.
- 117 To receive prisoners committed by United States courts.
- 118 Answerable for their safe keeping.

COUNTY SURVEYOR.

- 119 County Surveyor to be biennially elected; his term of office.
- 120 When and how to qualify.
- 121 His duty.
- 122 Records to be furnished by county court, property of county; open to free inspection.
- 123 When his duty to make a survey.
- 124 Survey may be directed to be made by him when land in dispute divided by county line.
- 125 How courses to be expressed.
- 126 When Surveyor may furnish chain men, etc., and receive reasonable hire of assistants.
- 127 When surveyor interested, how survey directed to be done.
- 128 What corners to be established, and how.
- 129 Other duties may be imposed.
- 130 May appoint one or more deputies; effect of their surveys; when certified.

PROSECUTING ATTORNEYS.

- 131 Prosecuting Attorneys to be biennially elected; term of office.
- 132 How to qualify.

SECTION.

- 133-135 Their duties.
136 May appoint deputies.
137 Inconsistent legislation repealed.

RECORDER.

- 138 A County Recorder to be biennially elected at August election.
139 Official oath and bond.
140 Recorder may appoint one or more deputies; how deputies to qualify.
141 Powers and duties of deputies; chief deputy to be acting recorder, if principal die, or be deposed; recorder responsible for acts of deputies; may administer oaths, etc.
142-143 Duty of Recorder on filing any instrument of writing.
144 Indorsement on instruments filed; effect of.
145 Enumeration and description of books to be kept by recorder.
146 Map, etc., of city, when unlawful to record; penalty.
147 Deeds of certain officers, etc., how indexed.
148 Recorder liable for all damages to party injured by neglect.

SECTION.

- 149 County court to furnish recorder with books.
150 County court may cause old books to be transcribed.
151 County court may cause abstract books to be made.
152 All persons interested have free access to records and may make notes in pencil.
153 Recorder at his option and request and payment of fees, may make searches; his liability for failure to make abstract, or making defective one.
154 License to make abstract of records; bond to be given for faithful abstracting, and to issue correct abstracts, and against mutilation of records.
155 Every person liable like recorder for mistakes and errors in abstracts.
156 Same.

CORONER.

- 157-159 Coroner; election; qualifications; duties.
160 Shall not act as attorney.

ARTICLE I.

PROBATE JUDGES.

§ 87. s 1. Be it enacted, etc.: There shall be a probate judge in each county of the Territory of Utah, whose term of office shall be two years, and until his successor shall be qualified. March 8, 1888.
Probate judge in each county term of office.

§ 88. s 2. Each probate judge, before entering upon the discharge of the duties of his office, shall give a bond to the county for which he has been elected or appointed, for the faithful performance of his official duties, in the penal sum of five thousand dollars, which amount may be increased by the county court of the county, to any sum not exceeding twenty thousand dollars, with at least two good and sufficient sureties, who are residents of the county, and worth the sum for which they become liable, over and above all their debts and liabilities, in property not exempt from execution, which said bond shall be approved by, and filed with the county treasurer; and shall take and subscribe an oath to the effect

that he will honestly and faithfully perform the duties of the office on which he is about to enter, which oath shall be attached to and filed with said bond.

To reside at the county seat, to preside in county court.

§ 89. s 3. He shall reside at the county seat and preside at all sessions of the probate court. He shall also preside at all sessions of the county court at which he may be present, and shall perform such other duties as may be required of him by law.

FEES OF PROBATE JUDGES.

Fees of probate judge.

§ 90. s 4. For each day's attendance in court hearing a case perviously set, - - - - -	\$5 00
For making each order or decree in probate, when the matter comes on without notice, -	50
For approving sureties on any bond or undertaking, - - - - -	25
For examining and approving or rejecting a creditor's claim when the examination of witnesses is unnecessary, - - - - -	25
For making any certificate, - - - - -	50
For administering an oath, - - - - -	25
For certifying to same, - - - - -	25
For taking an acknowledgment or proof of an instrument and certifying thereto, for the first signature, - - - - -	50
For each additional signature, - - - - -	25
For any other service not herein provided for, a reasonable compensation.	

ARTICLE II.

CLERK OF THE COUNTY COURT.

§ 91. s 1. That at the general election next to be held and biennially thereafter, there shall be elected in each county in this Territory, by the qualified electors thereof, a clerk of the county court, who shall be ex-officio clerk of the probate court, of such county, and whose term of office shall be two years, and until his successor shall be elected or appointed and qualified.

Clerk of county court, the election, term of office. Clerk of probate court.

§ 92. s 2. Within thirty days after his election or appointment, the clerk of the county court shall take the oath of office and give a bond to the county for which he has been elected or appointed, in such sum and with such sureties as the county court of such county shall determine and approve, conditioned for the faithful performance of the duties of said office; which oath of office and bond shall be filed in the office of the probate judge of the said county.

How to qualify

§ 93. s 3. He shall keep his office at the county seat; shall act as clerk of the probate and county courts, and take charge of, and safely keep or dispose of, according to law, the seals of said courts, and all books, papers and records which may be filed or deposited in his office.

His office to be kept at county seat, his duties relative to seal, etc.

§ 94. s 4. He shall have power to take acknowledgments to all instruments in writing, administer oaths, issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees, proper to be entered, unless the law or the court shall direct them to be entered at length.

His power and other duties.

§ 95. s 5. He shall:

Enumeration of duties.

First. Record all proceedings of the county court.

Second. Make full entries of all their resolutions and decisions on questions concerning the raising of money for, and the allowance of accounts against the county.

Third. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

To keep an account, of what; to make statement to county court.

§ 96. s 6. He shall keep an accurate account of all receipts and expenditures of his county; also, all debts payable to and by said county. At the first session of the county court held in each year, the clerk of the county court shall submit to the said court a statement showing the total amount received from each source of revenue during the fiscal year ending on the thirty-first day of December last preceding, the balance, if any, in the treasury, at the close of the previous fiscal year; expenditures during the fiscal year just closed; specifying separately the total amount paid to each officer and the total amount for each and every disbursement, the balance on hand, if any, together with a statement of all the debts payable to and by said county; *Provided*, That the several clerks of the county courts shall make and furnish to the county courts of the several counties financial statements up to and including May 31, 1888, and thereafter shall prepare and furnish a similar statement showing the receipts and disbursements of their several counties from June 1, 1888, to December 31, 1888, after which time the fiscal year shall begin January 1, and end December 31 of each year. He shall within thirty days after the auditing of any such statement by the said court, transmit a certified copy thereof to the auditor of public accounts, to be filed by him, and furnished to the Legislative Assembly during the next succeeding session. He shall also file and preserve the reports of the county treasurer of the receipts and disbursements of the county. He shall preserve and file all accounts acted upon by the county court, authenticate with his signature and seal of the county court the proceedings of the court, whenever the same shall be ordered published, record all orders levying taxes; and perform all the duties required by law, or any rule or order of the court.

To authenticate proceedings of county court.

May appoint a deputy.

§ 97. s 7. Each clerk of the county court may appoint one or more deputies, for whose official acts he shall be responsible, and who before entering upon the duties of the office, shall take the oath of office.

His compensation to be in salary fixed by county court.

§ 98. s 8. The compensation of the clerk of the county court for services rendered the county shall be by

salary, such as may be prescribed or allowed by the county court of their respective counties.

FEEES OF CLERKS OF THE COUNTY COURTS AND EX-OFFICIO CLERKS OF THE
PROBATE COURTS.

	His fees.
For filing petition in the commencement of an action, - - - - -	\$1 00
For filing each paper and entering the same on register of action - - - - -	25
For recording all papers required by law to be recorded for each hundred words, - - - -	20
For copy of any proceeding, record or paper, for each hundred words, - - - - -	20
For each certificate under seal, - - - - -	50
“ administering an oath, - - - - -	25
“ certifying to the same, - - - - -	25
“ issuing each notice, - - - - -	25
“ posting notices, - - - - -	25
“ issuing citations for the first person, - - -	50
“ each other person named therein, - - -	10
“ issuing a subpœna for the first person - - -	50
“ each other person named therein, - - -	10
“ taking testimony of witnesses in writing, when requested, for each hundred words, - -	20
For issuing letters testamentary, letters of administration, or letters of guardianship, - - -	1 00
For entering each claim in the register of claims, - - -	25
“ issuing an execution, - - - - -	1 00
“ taking an acknowledgment or proof of an instrument and certifying thereto, for the first signature, - - - - -	50
“ each additional signature, - - - - -	25
“ any other service, not herein provided for, a reasonable compensation.	

ARTICLE III.

COUNTY TREASURERS.

To be biennially elected, term of office.

§ 99. s 1. That at the general election next to be held, and biennially thereafter, there shall be elected in each county of this Territory, by the qualified electors thereof, a county treasurer, who shall hold his office for the term of two years, and until his successor in office shall be elected or appointed and qualified.

When and how to qualify.

§ 100. s 2. Within thirty days after his election or appointment, the treasurer shall take the oath of office and give a bond to the county for which he has been elected or appointed, in such sum not less than the whole amount of the revenue of the county for the year next preceding his election, and with such sureties as the county court of such county shall determine and approve, conditioned for the faithful performance of the duties of said office; which oath of office and bond shall be filed in the office of the clerk of the probate court of the said county.

His duties.

§ 101. s 3. The county treasurer must receive and safely keep all funds belonging to the county, and pay out the same only on warrants issued by the clerk of the county court of the county; he must keep an accurate account of all moneys or other funds received or disbursed by him; he must issue duplicate receipts, keeping a memorandum stub for all money or other funds received by him, and deliver to the person paying the same the duplicate and present to the clerk of the county court the original receipt. He must pay all county warrants presented for payment in the order of presentation, if he has sufficient funds for that purpose, and must keep a canceling stamp and imprint the same on every warrant paid by him. At the close of each fiscal year he must make and present to the county court a statement, showing the balance in the treasury at the close of the previous fiscal year, the amount received from each source of revenue, the amount disbursed, and the balance, if any, in

the treasury; he must present with each annual statement, as vouchers for disbursement, all warrants paid by him during the fiscal year. If required by the court he must make a statement at any time showing the condition of the treasury, and his office shall be kept at the county seat.

§ 102. s 4. The treasurer shall receive a salary for his services the amount of which shall be determined by the county court, and paid out of the county treasury, upon warrants drawn therefor by the clerk of the county court. To receive a salary, how drawn.

ARTICLE IV.

SHERIFFS.

§ 103. s 1. That at the next general election, and every two years thereafter, a sheriff shall be elected in each county, whose term of office shall be two years, and until his successor is qualified. To be elected every two years, his term of office.

§ 104. s 2. Before entering upon the duties of his office, the sheriff shall give bonds in at least five thousand dollars, with approved security, and take and subscribe an oath for the faithful performance of his duties; said bond and oath to be approved by the probate judge, and filed in the office of the clerk of the probate court. How to qualify

§ 105. s 3. The sheriff may appoint a deputy or deputies, for whose acts he shall be responsible, and who shall qualify in the same manner as the sheriff, except that the bonds may be in the sum of two thousand dollars each. May appoint a deputy.

§ 106. s 4. When the sheriff's costs are tendered or satisfaction given that the costs of service will be reasonably paid, it is the duty of sheriffs to faithfully and diligently execute all orders, processes and requirements of a court, under a penalty of whatsoever costs, damages and fine may be adjudged. On tender of fees bound to execute process, etc.

To take charge of jail. § 107. s 5. The sheriff of the county wherein a jail is, or may hereafter be erected, shall by virtue of his office, become the jailor, and shall furnish all necessary supplies for persons therein kept.

Duty as jailor. § 108. s 6. The said jailor shall receive and safely keep all persons duly committed to his custody, and shall record all precepts, by which persons are committed, and keep a register of each—the name, age, place of birth, particularly describing the person, in a book kept for that purpose.

Same. § 109. s 7. Male and female prisoners shall not be kept in the same room, and females shall be under the supervision of a suitable matron, who shall be appointed by the sheriff.

How jails shall be used. § 110. s 8. The common jails in the several counties of the Territory shall be kept by the sheriffs of the counties in which they are respectively situated, and shall be used as follows:

First. For the detention of persons committed in order to secure their attendance as witnesses in criminal cases.

Second. For the detention of persons charged with crime and committed for trial.

Third. For the confinement of persons committed for contempt, or upon civil process, or by other authority of law.

Fourth. For the confinement of persons sentenced to imprisonment therein upon a conviction of crime.

What persons shall be confined separately. § 111. s 9. Persons committed on criminal process, and detained for trial, persons convicted and under sentence, and persons committed upon civil process must not be kept or put in the same room, nor shall male and female prisoners, except husband and wife, be kept or put in the same room.

Service of paper or prisoners. § 112. s 10. A sheriff or jailor upon whom a paper in a judicial proceeding, directed to a prisoner in his custody, is served, must forthwith deliver it to the prisoner, with a note thereon of the time of its service. For neglect to do so he is liable to the prisoner for all damages occasioned thereby.

Guard, when and how to be appointed, for what purpose. § 113. s 11. The sheriff, when necessary, may, with the assent in writing of the probate judge, employ a temporary guard for the protection of the county jail, or for the safe keeping of prisoners, the expenses of which are a territorial or county charge, as the case may be.

§ 114. s 14. The sheriff must receive all persons committed to jail by competent authority, and provide them with necessary food, clothing, and bedding, for which he shall be allowed a reasonable compensation, to be determined by the county court, and, except as provided in the next section, to be paid out of the county treasury.

Sheriff's duty to receive persons committed, his compensation.

§ 115. s 15. Whenever a person is committed upon process in a civil action or proceeding, except when the people of this Territory are a party thereto, the sheriff is not bound to receive such person, unless security is given on the part of the party at whose instance the process is issued, by a deposit of money, to meet the expenses for him of necessary food, clothing, and bedding, or to detain such person any longer than the expenses are provided for. This section does not apply to cases where a party is committed as a punishment for disobedience to the mandates, process, writs, or orders of court.

Deposit necessary when person committed in civil action.

§ 116. s 16. It is hereby made the duty of the sheriffs to serve any and all process both mesne and final issued out of any of the courts of this Territory when directed to him or placed in his hands for service.

His duty to serve process.

§ 117. ⁽²³⁶⁴⁾ The sheriff must receive and keep in the county jail, any prisoner committed thereto by process or order issued under the authority of the United States, until he is discharged according to law, as if he had been committed under process issued under the authority of this Territory; provision being made by the United States for the support of such prisoners.

Sheriff to receive prisoners committed by United States courts. Feb. 18, 1876.

§ 118. ⁽²³⁶⁵⁾ A sheriff, to whose custody a prisoner is committed, as provided in the last section, is answerable for his safe keeping in the courts of the United States, according to the laws thereof.

Sheriff answerable for their safe keeping.

ARTICLE V.

COUNTY SURVEYORS.

County surveyor to be biennially elected, term of office.

§ 119. s 1. That at the general election next to be held, and biennially hereafter, there shall be elected in each county of the Territory, by the qualified electors thereof, a county surveyor, who shall hold his office for the term of two years, and until his successor in office shall be elected or appointed and qualified.

When and how to qualify.

§ 120. s 2. Within thirty days after his election or appointment the surveyor shall take the oath of office and give a bond to the county for which he has been elected or appointed, in such sum and with such sureties as the probate judge of such county shall determine and approve, conditioned for the faithful performance of the duties of said office; which oath of office and bond shall be filed in the office of the clerk of the probate court of the said county.

His duty.

§ 121. s 3. The surveyor must make any survey that may be required by an order of court, the county court, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey; endorse thereon its proper number, a copy of which and fair accurate plat, together with the certificate of survey, must, upon application, be furnished by him to any person upon payment of the fees allowed by law. He shall also have power to administer and certify oaths whenever necessary in the discharge of his official duties.

Records to be furnished by county court, shall be property of county, open to free inspection.

§ 122. s 4. The records necessary for the surveyor's office shall be furnished by the county court, and shall be the property of the county; they shall be open to the inspection of any person having an interest therein, free of charge, and shall be delivered by the surveyor to his successor in office.

§ 123. s 5. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of said land is situated, and on such application being made the surveyor must make the survey, which is as valid as though the lands were situated entirely within the county of the surveyor making the survey.

When his duty to make a survey.

§ 124. s 6. When land, the title to which is in dispute before any court, is divided by the county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated.

He may be directed to survey land in dispute, divided by county line.

§ 125. s 7. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnet meridian from the true meridian must be expressed on the plat, with the date of the survey.

How courses to be expressed.

§ 126. s 8. If a party for whom a survey is made does not furnish the chainmen and markers, the surveyor may employ the necessary chainmen and markers, and receive the reasonable hire of all assistants necessarily employed.

When surveyor may furnish chainmen, their hire

§ 127. s 9. When the county surveyor is interested in any land the title to which is in dispute, and a survey thereto is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose, authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the county surveyor would be entitled to for similar services.

When surveyor interested, how survey directed to be done.

§ 128. s 10. It shall be the duty of each surveyor to make a sufficient corner, of stone or wood, at the southeast corner, of each survey made by him, and make a record of such corner in his return diagrams.

What corner to be established and how

§ 129. s 11. He shall perform such other services as may be required of him by law.

To perform other duties imposed by law.

§ 130. s 12. Each county surveyor may appoint one or more deputies, who, before entering upon the duties of the office, shall take the oath of office and give bonds and security in like sum and manner as their principals, and all surveys made by any such deputy, when certified to by the county surveyor, or by such deputy in the name of the surveyor and the deputy as such, shall be valid, the same as if made by the county surveyor himself in person.

May appoint one or more deputies.

Effect of the surveys when certified.

ARTICLE VI.

COUNTY PROSECUTING ATTORNEYS.

Prosecuting
attorneys to be
biennially
elected, term
of office.

§ 131. s 1. That at the general election next to be held, and biennially thereafter, there shall be elected in each county in this Territory, by the qualified electors thereof, a county prosecuting attorney, who shall hold his office for two years, and until his successor is elected and qualified.

How to qualify

§ 132. s 2. Before entering upon the duties of his office, said prosecuting attorney shall take and subscribe an oath, and give bonds with sufficient sureties to the county for which he has been elected, conditioned for the faithful performance of his duties, which bonds shall be approved by the probate judge and with the oath be filed in the office of the clerk of the probate court.

Their duties.

§ 133. s 3. It shall be the duty of said prosecuting attorneys to commence and take charge of prosecutions, for offences arising under the laws of the Territory in the counties for which they are respectively elected, and if such prosecution is carried to the district court by recognizance, appeal or otherwise, may aid in conducting the prosecution in such court.

Same.

§ 134. s 4. When requested, it shall be the duty of the prosecuting attorneys in their respective counties to advise the county court and all other county and precinct officers of their county, and shall represent said county in all suits and controversies where it shall be interested.

Compensation

§ 135. s 5. The compensation of said attorneys shall be by salary such as may be prescribed or allowed by the county court of their respective counties.

May appoint
deputies.

§ 136. s 6. Each prosecuting attorney may appoint a deputy or deputies, for whose official acts he shall be responsible, to aid him in performing the duties of his office.

§ 137. s 7. All acts and parts of acts in conflict with this act are hereby repealed.

RECORDERS.

§ 138. s 1. At the next general election in August, A. March 8, 1888.
 D. 1888, and biennially thereafter, there shall be elected in A county re-
 each county of this Territory, a county recorder, whose term order to be
 of office shall be for two (2) years and until his successor is biennially
 elected and qualified. electd, at
August elec-
tion.

§ 139. s 2. The recorders in their respective counties Official oath
 in this Territory, before entering upon the duties of their and bond.
 offices, shall take the oath of office, and shall enter into bonds
 in the penal sum of not less than five nor more than twenty
 thousand dollars, in the discretion of the county court, with
 two or more sureties to be approved by said county court,
 conditioned for the faithful performance of their duties, and
 to deliver up all papers, books, records and other things
 appertaining to their offices, whole, safe and undefaced, when
 lawfully required so to do. Every such bond shall be in form
 joint and several, and made payable to the Territory of Utah;
 and shall be in force and obligatory upon the principal therein,
 to and for the said Territory, and to and for the benefit of all
 persons who may be injured or aggrieved by the wrongful act,
 neglect or default of the recorder in the performance or
 non-performance of any of the duties imposed upon him by
 law, and any person so injured or aggrieved, may bring suit
 on such bond in his or her name without an assignment thereof.
 Every such bond shall be deemed to be in force and obliga-
 tory upon the principal and sureties therein, for the faithful
 discharge of all duties which may be required of such recorder
 by any law enacted subsequently to the execution of such
 bond, and such condition shall be expressed therein.

§ 140. s 3. Each recorder may appoint one or more Recorder may
 deputies; the appointment shall be in writing and entered appoint one or
 upon the records of his office. Each deputy shall, before more deputies.
 entering upon the duties of his office, take and subscribe the How deputies
 oath of office in like manner as is required of the recorder, to qualify.
 which shall be filed in the office of the county clerk of his
 county.

§ 141. s 4. Deputy recorders, duly appointed and quali-
 fied, may perform any and all duties of the recorder in the

Powers and duties of deputies.

Chief deputy to be acting recorder if principal die or be deposed.

Recorder responsible for acts of deputies.

May administer oaths, etc., connected with conveyance of real or personal property.

Duty of recorder on filing any instrument of writing. Separate books for different kinds of instruments.

Endorsements on instruments filed, effect of.

Enumeration and description books to be kept by recorder.

name of the recorder, and the acts of such deputies shall be held to be the acts of the recorder, and in case of the death of the recorder, or his deposition from office, the chief deputy shall thereupon become the acting recorder, until such vacancy shall be filled according to law, and he shall file a like bond and be vested with the same powers, and be subject to the same responsibilities, and entitled to the same compensation as in the case of the recorder. The recorder shall be liable for any neglect or omission of the duties of his office when occasioned by a deputy, in the same manner as for his own personal neglect or omission. The recorder and his deputy shall have authority to administer oaths and affirmations in all matters of conveyance of real or personal property.

§ 142. s 5. Every recorder shall, as soon as practicable, after the filing of any instrument of writing in his office entitled to be recorded, record the same at length in the order of time of its reception, in well bound books, to be provided for that purpose; *Provided*, That separate books shall be kept for the recording of different classes of instruments.

§ 143. s 6. On the filing of any instrument in writing for record in a recorder's office, the recorder shall, when requested, give to the person leaving the same to be recorded, a receipt therefor.

§ 144. s 7. When any instrument in writing is filed in the recorder's office, the recorder shall endorse upon such instrument a certificate of the time, including the hour of the day, when the same was filed for record, which shall be considered the time of recording the same and when said instrument is recorded, the book and page in which the same is recorded, which certificate shall be signed by the recorder, and shall be prima facie evidence of the facts therein stated.

§ 145. s 8. Every recorder shall keep the following books:

First. An Entry Book, in which he shall immediately upon the receipt of any instrument to be recorded, enter in the order of its reception, the names of the parties thereto, its date, the day of the month, hour, and year of filing the same, and a brief description of the premises, endorsing upon each instrument, a number corresponding with the number of such entry.

Second. A Grantor's Index, in which shall be entered the names of each grantor, in alphabetical order, the name of

the grantee, date of the instrument, time of filing, kind of instrument, consideration, the book and page in which it is recorded, and a brief description of the premises.

Third. A Grantee's Index, in which shall be entered the name of each grantee in alphabetical order, the name of the grantor, date of the instrument, time of filing, kind of instrument, consideration, the book and page in which it is recorded, and a brief description of the premises.

Fourth. An Index to each Book of Record, in which shall be entered in alphabetical order, the name of each grantor and grantee, and the page in which the instrument is recorded. And whenever any lien, deed of trust, mortgage or other instrument has been released or discharged from record, whether by written release upon the margin of the record, or by recording a deed of release, the recorder shall immediately note in the general index that such instrument has been satisfied.

Fifth. An Abstract Book, which shall show by tracts, every conveyance or incumbrance recorded, the date and character of the instrument, time of filing the same, the book and page where the same is recorded, which book shall be so kept, as to show a true chain of title to each tract and the incumbrance thereon, as shown by the records of his office.

Sixth. An Index to Recorded Maps, Plats and Subdivisions, such index to be made by description of land mapped, or subdivided by range, township, section, quarter section, or other legal subdivision.

§ 146. s 9. It shall be unlawful for any recorder to record any map, plat, or subdivision of land, situated in any city, town or village, until the same shall have been approved by the legislative authority of the city, town or village in which such land may be situated, or by some city, town or village officer for that purpose to be designated by resolution or ordinance of said legislative authority, and in the absence of said legislative authority, by the probate judge of the county in which the town or village is situated, except the said map, plat, or subdivision be attached to or form part of a conveyance and relates to the property or some part thereof embraced in said conveyance. For each and every violation of this section by any recorder, his deputy or employee, each recorder shall forfeit and pay to the county the sum of two

Map, etc., of
city, when un-
lawful to
record.

Penalty. hundred dollars, to be recovered in any court of competent jurisdiction.

Deed of certain officers, etc., how indexed. § 147. s 10. Deeds and other instruments affecting real estate made by a marshal, sheriff, master in chancery, special commissioner, executor, administrator, guardian, trustee or other person, acting in behalf of another, shall be indexed in the name of the person whose land is sold or affected as grantor, and a note shall be made in the index, indicating in what capacity the deed was made.

Recorder liable for all damages to party injured by his neglect. § 148. s 11. If any recorder shall fail to perform any duty imposed upon him by this act, he shall be liable to the party injured for all damages occasioned thereby.

County court to furnish recorder with books. § 149. s 12. The county court of each county shall, from time to time, as may be necessary, provide the recorder of such county with well bound books, properly ruled, necessary to the execution of the duties of his office. They may procure books of printed forms to be filled up in the recording of any instrument, when the same may be done without interlineation or erasure, and shall in all cases, when practicable, procure the necessary index and abstract book with printed headings. The cost of such books shall be paid by the county.

County court may cause old books to be transcribed. § 150. s 12. When it shall appear to the county court that any books of record, entry books, indexes, or abstract books are likely to become useless from age or much use, or are illegibly written, defaced or imperfectly kept, they shall cause the same to be transcribed at the cost of the county.

The county court may cause abstract books to be made. § 151. s 13. When abstract books have not been kept in any county, up to the time of taking effect of this act, the county court of such county shall procure such abstract books, to be made in the form prescribed in this act, at the cost of the county, showing a connected chain of title and incumbrance up to the time of the taking effect of this act.

All persons interested shall have free access to records and may make notes in pencil § 152. s 14. All persons interested in titles shall, during proper business hours, have free access to the records in the custody of county recorders and may examine the same and take notes therefrom in pencil for the purpose of making abstracts of the title of any piece of property.

§ 153. s 15. The recorder may at his option upon the application of any person, and upon the payment or tender of the fee therefor, make searches for conveyances,

mortgages, and all other instruments, papers or notices recorded or filed in his office, affecting the title to any piece of property, and furnish a certified abstract thereof. If any recorder refuses to make the abstract or give the certificate provided for by this section, after he has consented so to do, or if such abstract or certificate is incomplete, erroneous, or defective in any important particular, affecting the property in respect to which the abstract is requested, he is liable to the party aggrieved for the amount of the actual damage sustained; *Provided*, however, such liability shall not accrue in favor of any person who had actual notice of the error or mistake complained of.

Recorder at his option on payment or tender of the fee may make searches.

Recorder's liability for refusing to complete abstract, or making erroneous one.

§ 154. s 16. Every person desiring to open and conduct an abstract business, before so doing shall make application to the county court of the county in which he purposes conducting said business, said court shall, if they deem said applicant a proper and competent person, issue a license authorizing said applicant, during all reasonable business hours, to have free access to said records; *Provided*, such license shall not issue until said applicant shall file a bond, with approved sureties, in the penal sum of not less than five thousand dollars, conditioned for the faithful abstracting of said records, and the issuing of correct abstracts of titles. Said bond shall also provide that the said person, his agent or employe shall be held liable for any mutilation of the records in his possession.

License to make abstract of records. Bond to be given conditioned to faithfully abstract the records, and to issue correct abstracts, and also against mutilation of records.

§ 155. s 17. Every person conducting said abstract business shall be liable to the same penalties for mistakes and errors in abstracts as county recorders.

Every person liable like recorder for mistakes and errors in abstracts.

§ 156. s 18. That an ordinance in relation to county recorder, approved March 2, 1850, and secs. 1, 4 and 5 of "An act in relation to county recorders, and the acknowledgment of instruments of writing," approved January 19, 1885, are hereby repealed.

CORONERS.

§ 157. ⁽²³⁶⁾ That a coroner shall be elected in each county, by the qualified voters thereof, at the general election to be held on the first Monday of August, in the year one thousand eight hundred and sixty-eight, and every second

When elected. Feb. 20, 1868.

year thereafter, who shall hold his office two years, and until his successor is elected and qualified.

Bond and oath
Feb. 20, 1868.

§ 158. ⁽²³⁷⁾ Before entering upon the duties of his office the coroner shall give bonds with security, and take and subscribe an oath or affirmation that he will faithfully perform the duties of his office; said bonds and security must be made to the acceptance of the probate judge and be filed in his office.

When to perform duties of sheriff.
Feb. 20, 1868.

§ 159. ⁽²³⁸⁾ It is the duty of the coroner to perform all the duty of the sheriff, in the absence of the sheriff, and in cases where it appears from the papers of any court of record that the sheriff is a party, and where an affidavit is filed with the clerk of the court stating a partiality, prejudice, consanguinity or interest on the part of the sheriff, when the clerk or court shall direct process to the coroner, whose duty it is to execute it in the same manner as if he were sheriff.

Shall not appear as attorney or counsel
Feb. 20, 1868.

§ 160. ⁽²³⁹⁾ No coroner shall appear in any court as attorney or counsel for any party, nor shall he become the purchaser, either directly, or indirectly, of any property by him exposed for sale under any process of law, and every such purchase is absolutely void.

PRECINCT OFFICERS.

SECTION.

- 161 One Justice and Constable to be elected in each precinct.
- 162 How to qualify.
- 163 Constable must serve process.
- 164 How vacancies filled.

SECTION.

- 165 How vacancies in office of mayor or alderman filled.
- 166 Fence viewers, how selected.
- 167 Their duties and fees.
- 168 When county and precinct officers to file bonds.

Election of justice and constable.
Feb. 4, 1852.

§ 161. ⁽²⁶²⁾ Each precinct in this Territory shall elect one justice of the peace, and one constable, and the same may be increased in any precinct by the county court, whenever they shall deem that the public good requires it.

Bonds and oath of office.

Id.
Jan. 19, 1866.

§ 162. ⁽²⁶³⁾ Each justice of the peace and constable shall take an oath of office and give bond, with approved securities, in the sum of one thousand dollars, which bond shall be approved by, and filed in the office of, the probate judge of

their respective counties; said justices and constables shall hold their offices for the term of two years, and until their successors are elected and qualified, and they shall be commissioned by the Governor.

§ 163. ⁽¹⁹⁸⁾ When a reasonable compensation is tendered or satisfaction given that the costs of service will be seasonably paid, it is the duty of sheriffs and constables to faithfully and diligently execute all orders, processes, and requirements of a court, under penalty of whatsoever costs, damages and fine may be adjudged. Must serve process on tender of fees. Feb. 17, 1854.

§ 164. s 1. Whenever, from any cause, there shall be a vacancy in the office of justice of the peace in any precinct in this Territory, the county court of the county wherein such precinct is situated is hereby authorized and empowered to fill such vacancy by appointment until the next general election. Feb. 23, 1882. Appointment of justices of the peace.

§ 165. s 2. That in case of a vacancy in the office of mayor, alderman or any city justice of any incorporated city in this Territory, the city council of such city is hereby authorized and empowered to fill such vacancy by appointment until the next general municipal election. Appointment of municipal officers.

§ 166. ⁽²⁶⁴⁾ At the general election to be holden on the first Monday in August next, and every two years thereafter, two fence viewers shall be elected in each precinct, whose term of office shall be for two years, and until their successors are elected and qualified. Feb. 18, 1870. When elected and for what term.

§ 167. ⁽²⁶⁵⁾ The duties of the said fence viewers shall be to determine upon a lawful fence, within the meaning of section four of "An act pertaining to damage done by animals, and defining a lawful fence," approved February seventeen, eighteen hundred and sixty-nine, and they shall examine and give judgment upon any fence within their respective precincts, when required so to do: *Provided*, that they shall receive the sum of twenty-five cents each per hour for service rendered as aforesaid, to be assessed by the said fence viewers upon the parties in whose interest said service shall have been performed. Duties. Feb. 18, 1870.

§ 168. ⁽²⁶⁶⁾ All county and precinct officers made elective at the general election, who are required by law to file bonds, shall give bonds with approved security, to the acceptance of the probate judge of their respective counties, which shall be filed in his office. Where county and precinct officers to file bonds. Feb. 18, 1870.

CHAPTER VI.

COUNTY COURT AND COUNTY ADMINISTRATION.

AN ACT TO ESTABLISH A UNIFORM SYSTEM OF COUNTY GOVERNMENT.

SECTION.	SECTION.
169 Counties declared bodies corporate, with powers as specified in the act.	194 Witnesses not entitled to fees, except compensation for expenses.
170 Powers, how exercised.	195 Prohibitions.
171 Name.	196 Claims against county must be itemized; notice to claimant to itemize and verify claim.
172 Enumeration of powers.	197 Claims so made out to be filed with clerk.
173 Acts which counties forbidden to do.	198 What claims to be rejected; when claims may be allowed and paid in part.
174 Certain contracts and acts void.	199 Proceedings after rejection of claim; suit may be brought; effect of judgment.
175 Penalty for allowing any claim in violation of the act.	200 Warrants to specify fund from which payments to be made.
176 County seat.	201 No member of county court to be interested in certain transactions.
177 Selectmen, when to be elected; term of office; present incumbents.	202 Notices of proceedings, where to be posted.
178 County court, how constituted.	203 Shade trees, encouragement to plant on public roads and grounds.
179 Qualifications of members.	204 Claims of members of county court to be itemized and verified.
180 Vacancies, how filled.	205 Annual statement to be made by clerk under direction of county court; what to contain.
181 Presiding officer; power to administer oaths; quorum.	206 To receive donations of property.
182 Duties of clerk.	207 Selectmen to give bonds; how their securities to justify.
183 Duties of the county court.	208 All county charges must be presented for audit to county court.
184 Regular and other meetings.	209 Compensation of members.
185 Special meetings.	210 Powers of cities and towns not impaired.
186 All meetings public; their records open to free inspection.	211 May enter lands for seats of justice.
187 Enumeration of the powers of the county court.	
188 May require the sheriff or his deputy to attend meetings for certain purposes.	
189 May issue subpoenas for and examine witnesses for certain purposes.	
190 How subpoenas to be served.	
191 Powers of chairmen of committees.	
192-193 Penalty for neglect to appear after service of subpoena; proceedings in case of witness refusing to testify.	

§ 169. s 1. Be it enacted, etc.: That the several counties of this Territory, as they now exist, and such other counties as may be hereafter organized according to law, are bodies corporate and politic, and as such have the powers specified in this act, and such other powers as are necessarily implied.

March 8, 1888.
Counties de-
clared bodies
corporate with
powers as
specified in
this act.

POWERS, HOW EXERCISED.

§ 170. s 2. The powers of a county can only be exercised by the county court or by agents and officers acting under its authority, or authority of law.

Powers, how
exercised,

NAME.

§ 171. s 3. The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property and duties.

Name.

POWERS.

§ 172. s 4. It has power:

1. To sue and be sued.
2. To purchase and hold land within its limits necessary and proper for county purposes.

3. To make such contracts, and purchase and hold such personal property as may be necessary to the exercise of its powers.

4. To manage and dispose of its property as the interests of its inhabitants may require.

5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

Enumeration
of powers.

RESTRICTIONS.

§ 173. s 5. No county shall in any manner give or loan its credit to, or in aid of, any person or corporation. No county shall incur any indebtedness or liability in any manner,

Acts which
counties for-
bidden to do.

or for any purpose, to an amount exceeding in any year the total amount of its income and revenue for the two fiscal years immediately preceding the incurring of such indebtedness. Any indebtedness or liability incurred contrary to this provision shall be void.

CERTAIN CONTRACTS VOID.

Certain contracts and acts void.

§ 174. s 6. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made, in violation of this act, shall be absolutely void, and shall never be the foundation of a claim against such county.

PENALTY FOR ALLOWING CERTAIN CLAIMS.

Penalty for allowing etc., any claim in violation of provisions of this act.

§ 175. s 7. Any probate judge or selectman or any other officer, who knowingly authorizes, or aids to authorize, or audits or allows any claim or demand upon or against the county, or any fund thereof, in violation of any of the provisions of this act, shall be liable in person and upon their several official bonds, to any person damaged by such illegal authorization, to the extent of his loss.

COUNTY SEATS.

County seats.

§ 176. s 8. The county seats of the respective counties of this Territory, as now fixed by law, are hereby recognized as, and declared to be, the county seats of the respective counties and may be removed as provided by law.

Selectmen, when to be elected; terms of office.

§ 177. s 9. At the general election to be held in the year 1888, and biennially thereafter, one selectman shall be elected in each county of this Territory, whose term of office shall be two years and until his successor shall be elected or appointed and qualified, and at the general election to be held in the year 1889, and biennially thereafter two selectmen shall be elected in each county of this Territory, whose terms of office shall be two years, and until their successors shall be elected or appointed and qualified: *Provided*, That the probate judges and selectmen now holding office in the several counties of this Territory shall continue in office, and exercise

all the powers conferred by this act upon the county courts, until the terms of office, for which they were elected, shall expire, and their successors shall be elected or appointed and qualified; except the selectmen, whose terms of office would expire at the general election in the year 1890, and their terms of office are hereby shortened and shall expire at the general election to be held in the year 1889.

Present incumbents to serve out their terms under this act, with exception.

COUNTY COURTS.

§ 178. s 10. Each county shall have a county court, consisting of the probate judge of such county and three selectmen.

County court, how constituted.

QUALIFICATIONS.

§ 179. s 11. Each member of the county court must be an elector of the county for which he is elected or appointed, and must have been such for at least one year immediately preceding his election.

Qualification of the members.

VACANCY HOW FILLED.

§ 180. s 12. Whenever a vacancy occurs, in the office of selectman, the county court shall fill the vacancy by appointment, the appointee to hold office for the unexpired term. In case there should not be a majority of such court remaining in office, then the proper election officers who have charge of the conduct and management of county elections in any such county shall forthwith order a special election to fill vacancies; and the persons so elected shall enter upon the duties of their office immediately upon their election and qualification, and shall hold office for the unexpired term.

Vacancies, how filled

CHAIRMAN.

§ 181. s 13. The probate judge shall, if present, preside at all meetings of the county court, and in case of his absence or inability to act, the members present must select one of their number to preside temporarily.

Presiding officer.

Any member
may admin-
ister oaths in
performance
of their duties.

Any member of the court may administer oaths to any person when necessary in the performance of their official duties. •

A majority a
quorum.

A majority of the members shall constitute a quorum for the transaction of business; but no act of the court shall be valid or binding unless a majority of the members concur therein.

CLERK OF THE COUNTY COURT.

Duties of clerk

§ 182. s 14. The clerk of the county court must:

1. Record all the proceedings of the court.
2. Make full entries of all their resolutions and decisions or questions concerning the raising of money for, and the allowance of accounts against the county.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

4. Immediately after the adjournment of each meeting of the court prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said list shall be countersigned by the probate judge and thereafter said clerk shall deliver to and leave with the treasurer one of said lists and retain and file in his office the other list.

5. Keep an accurate account of all receipts and expenditures of his county, also of all debts payable to and by said county; at the first session of the court held in each year the clerk shall submit to the said court a statement showing the total amount received from each source of revenue during the fiscal year ending on the thirty-first day of December last preceding, the balance, if any, in the treasury at the close of the previous fiscal year; the expenditures during the fiscal year just closed, specifying separately the total amount paid to each officer and the total amount for each and every disbursement, the balance on hand, if any, together with a statement of all the debts payable to and by said county.

He shall, within thirty days after the auditing of such statement by the court transmit a certified copy thereof to

the auditor of public accounts to be filed by him and furnished at the Legislative Assembly during the first two weeks of the next succeeding session.

He shall also file and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file all accounts acted upon by the court.

7. Preserve and file all petitions and applications and record the action of the court therein.

8. Authenticate with his signature and seal of the court the proceedings of the court whenever the same shall be ordered published.

9. Record all orders levying taxes; and

10. Perform all other duties required by law, or any rule or order of the court.

DUTY OF THE COURT.

§ 183. s 15. The court must cause to be kept:

Duties of
county court.

1. A Minute Book in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings.

2. An Allowance Book in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A Road Book containing all proceedings and adjudications relating to the establishment, maintenance, change and discontinuance of roads and road districts.

4. A Warrant Book to be kept by the clerk, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book with the date, amount, on what account, and name of payee.

REGULAR MEETINGS.

§ 184. s 16. The county courts must be held at their respective county seats on the first Monday in March, June, September and December in each year, and oftener, if they deem it necessary.

Regular and
other meetings

SPECIAL MEETINGS

Special meetings.

§ 185. s 17. If at any time the business of the county requires a meeting of the court, a special meeting may be ordered by the probate judge or by a majority of the court. The order must be signed by the probate judge or by the selectmen calling such meeting, and must be entered in the minutes of the court. Five days notice of such meeting must be given by the clerk to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other than that specified must be transacted at such special meeting.

ALL MEETINGS MUST BE PUBLIC.

All meetings must be public and their records open to free inspection.

§ 186. s 18. All meetings of the court must be public and the books, records and accounts must be kept at the office of the clerk open at all times during business hours for public inspection free of charge.

GENERAL PERMANENT POWERS OF COURT.—POWERS.

§ 187. s 19. The county courts in their respective counties have jurisdiction and power under such limitations and restriction as are prescribed by law.

SUPERVISE CONDUCT OF OFFICERS.

Enumeration of the powers of the county court.

1. To direct prosecutions for delinquencies.
2. To supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county, except municipal corporations, charged with the assessing, collecting, safe keeping, management or disbursement of the public revenues; see that they faithfully perform their duties, and when necessary require them to renew their official bonds, to make reports and to present their books and accounts for inspection.

DIVIDE COUNTY.

3. To divide the counties into school, road and other districts required by law, change the same and create others as convenience requires.

ELECTION PRECINCTS, ETC.

4. To establish, abolish and change county election precincts, but no such precinct shall be established or abolished, or the boundaries of any precinct changed within thirty days prior to any election.

PUBLIC ROADS.

5. To lay out, maintain, control and manage public roads, turnpikes, ferries and bridges within the county.

INDIGENT SICK AND POOR.

6. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor, transients and residents of the county, erect, officer and maintain hospitals and poor houses in their discretion therefor, or otherwise provide for the same; and for such purposes, annually at the time appointed by law for the levying of taxes for county purposes, to levy the necessary property tax therefor; *Provided*, the county court shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals and poor houses, and the court shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to attend such indigent sick or otherwise dependent poor.

FARM.

7. To provide a farm and work shops in connection with the county hospital or poor house, sufficient to employ the inmates thereof, and make rules and regulations for working the same.

COUNTY COURT AND

COUNTY OFFICES.

8. When there are no necessary county buildings] to provide suitable rooms for county purposes.

PURCHASE AND CONTROL REAL ESTATE.

9. To purchase, receive by donation or lease any real or personal property necessary for the use of the county and preserve, take care of and manage and control the same.

COURT HOUSE, JAIL AND HOSPITAL.

10. To cause to be erected or re-built and furnished, a court house, jail, hospital and such other public buildings as may be necessary; *Provided*, that none of the aforesaid buildings shall be erected or constructed until plans and specifications shall have been made therefor and adopted by the court; all such buildings must be erected by contract let to the lowest responsible bidder, after notice.

SELL CERTAIN PROPERTY OF THE COUNTY.

11. To sell at public auction at the court house door after thirty days previous notice given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey to the highest bidder for cash, any property, belonging to the county, no longer required for public use, paying the proceeds into the county treasury for the use of the county.

EXAMINE AND AUDIT ACCOUNTS.

12. To examine and audit at least once a year the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county or appropriated by law or otherwise for its use and benefit.

SAME.

13. To examine, settle and allow, all accounts legally chargeable against the county and order warrants to be drawn on the county treasurer therefor.

LEVY TAXES.

14. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repairs of roads and highways and other district purposes; *Provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received two-thirds of all the legal votes cast upon such proposition.

MAINTAIN PUBLIC POUNDS.

15. To maintain, regulate and govern, public pounds, and appoint poundkeepers who shall be paid out of the fines imposed and collected of the owners of impounded animals and from no other source.

EQUALIZE ASSESSMENTS.

16. To equalize assessments within their county, except assessments for municipal purposes.

CONTROL SUITS.

17. To direct and control the prosecution and defense of all suits to which the county is a party and when necessary to employ counsel to assist the prosecuting attorney of the county in conducting the same.

INSURE BUILDINGS.

18. To insure the county buildings in the name and for the benefit of the county.

FIX PRICE OF ADVERTISING, ETC.

19. The county court shall, after having advertised for bids for the same, fix the price at which the county shall be supplied with job printing, stationery and blank books, and also the price of all county advertising, and the county court of each county shall procure such supplies and advertising at a price no greater than is so fixed, and shall let the contract therefor to the lowest responsible bidder, and all bills thereof shall be certified to the county court.

ADOPT A SEAL.

20. To adopt a seal for their court; a description and impression thereof must be filed in the office of the clerk and of the secretary of the Territory.

ENFORCE RULES.

21. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

ANNUAL REPORT.

22. The court shall cause to be published an annual statement of the financial condition of the county, showing in detail the receipts and expenditures authorized during the preceding year.

DESTRUCTION OF WILD ANIMALS, ETC.

23. To provide for the destruction of wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vine or vegetables, or plant life.

ESTABLISH FUNDS.

24. To establish such county funds as they may deem necessary for the proper transaction of the business of the

county, and to pay therefrom the salaries or compensation of public officers, which the law contemplates or requires to be paid from the county treasury.

FILL VACANCIES.

25. To fill by appointment, all vacancies that may occur in any office filled by the appointment of the county court, and elective, county, district or precinct offices. The appointee to hold office for the unexpired term.

TO PROVIDE FOR THE PRESERVATION OF PUBLIC HEALTH.

26. To adopt such provisions for the preservation of the health of their respective counties, or any district therein, or portion thereof, except municipal corporations, as they may deem necessary, and to provide for paying the expenses thereof; and when the expense is incurred in a district or portion of a county for the particular benefit thereof, the court may fix the boundaries of such district or portion, and levy a tax on the property therein to pay the same; the tax to be levied and collected in the same manner as other taxes are levied and collected.

COMMON CARRIERS.

27. To adopt such rules and regulations within their respective counties, as may be necessary to regulate or prohibit the leaving by any persons or common carriers, within the limits of their respective counties, of any indigent or insane persons or travelers, not residents thereof, or the bodies of persons who die while traveling, unless such common carrier shall undertake to be responsible for the proper burial of such bodies, or unless such deceased person was, at the time of his death, a resident of the county within which it is proposed to deliver his body. Also to regulate or prohibit the bringing into, or leaving within their respective counties, of persons afflicted with, or who have but recently been exposed to any contagious disease.

WORKING PRISONERS.

28. To provide for the working of prisoners confined in the county jail, under judgment of conviction of a misdemeanor, (when under such judgment of conviction or existing laws said prisoners are liable to labor) under the direction of some responsible person, upon the public grounds, roads, streets, alleys, highways, or public buildings for the benefit of the county.

BURYING DEAD.

29. To provide for the burying of the indigent dead.

MAKE AND ENFORCE LOCAL REGULATIONS.

30. To make and enforce within the limits of their respective counties, except within municipal corporations, all such local, police, sanitary and other regulations as are not in conflict with general laws.

ADOPT RULES.

31. To adopt such rules and regulations within their respective counties, except within municipal corporations, with regard to the keeping and storing of every kind of gun powder, hercules powder, giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require.

SHERIFF TO ATTEND MEETINGS.

May require sheriff or his deputy to attend its meetings, for what purpose.

§ 188. s 20. The county court shall have power to direct the sheriff to attend, in person or by deputy, all meetings of the court to preserve order, serve notices, subpoenas, citations, or other process, as directed by the court.

SUBPENA FOR WITNESSES, BOOKS, ETC.

May issue subpoenas for and examine witnesses for certain purposes.

§ 189. s 21. Whenever the county court of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdic-

tion of such court, or to examine any officer of the county in relation to the discharge of his official duties as to the receipt or disbursement by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, accounts, vouchers, or document in the possession of such officer or other person, or under his control, or relating to the affairs or interests of the county, the probate judge shall issue a subpoena in proper form, commanding such person or officer to appear before such court at a time and place therein specified, to be examined as a witness and such subpoena may contain a clause requiring such person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

SUBPENA, HOW SERVED.

§ 190. s 22. It shall be the duty of the sheriff, or any deputy sheriff of the county, or constable of any precinct, to whom the subpoena may be delivered, to serve the same by reading it to the person named therein, and at the same time delivering him a copy thereof, and his official return thereon of the time and place of such service, shall be prima facie evidence thereof.

How subpoena
to be served.

POWERS OF CHAIRMAN OF COMMITTEE.

§ 191. s 23. Whenever the county court shall have appointed any member of their body a committee upon any subject or matter of which the court has jurisdiction, and shall have conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all the powers and be liable to all the duties therein given to and imposed upon the probate judge.

Powers of
chairman of
committees.

PENALTY FOR NEGLIGENCE TO APPEAR AND TESTIFY.

§ 192. s 24. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books, or papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, according to the exigency of

Penalty for
neglect to
appear after
service of
subpoena.

Proceedings in
case of re-
fusing to
testify.

such subpoena, or shall refuse to testify before such court or committee, or to answer any questions which a majority thereof shall decide to be proper, and pertinent, he shall be deemed in contempt, and it shall be the duty of the probate judge, or of the committee, as the case may be, to report the fact to the judge of the district court of the judicial district in which such county is situated, who shall thereupon issue an attachment in the form usual in the court of which he is judge, directed to the sheriff of the county, or any constable, where such witness was required to appear and testify, commanding said sheriff or constable to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

SAME.

§ 193. s 25. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in case of a witness subpoenaed to appear and give evidence on the trial of a civil case before a district court.

NOT ENTITLED TO FEES.

Witnesses not
entitled to
fees, except
expenses.

§ 194. s 26. The witnesses summoned to testify on behalf of the county in matters of public concern before the county court, are not entitled to have their fees prepaid; but the court must allow them reasonable compensation for the expense of their attendance.

LIMITATIONS ON COUNTY COURTS.

Prohibition.

§ 195. s 27. The court must not, for any purpose, contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liability, in any manner or for any purpose, exceed in any fiscal year the income and revenue of such county for the two fiscal years immediately preceding the incurring of such indebtedness.

CLAIMS MUST BE ITEMIZED.

§ 196. s 28. The county court must not hear or consider any claim in favor of any person, corporation, company or association, against the county, nor shall the court credit or allow any claim or bill against any county or district fund, unless the same be itemized, giving names, dates, the particular service rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, materials furnished, to whom, and quantity and price paid therefor, duly verified as to its correctness, and that the amount claimed is justly due, is presented and filed with the clerk of the court, within a year after the last item or claim accrued. If in case of any claim which requires itemizing the court do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant, or his attorney, of that fact, and give time to have the claim itemized and be verified.

Claims against county to be itemized.

Notice to claimant requiring account to be itemized and verified.

SAME.

§ 197. s 29. No account must be passed upon by the court unless made out as prescribed in the preceding section, and filed by the clerk.

Accounts so made out to be filed with the clerk.

CERTAIN CLAIMS MUST BE REJECTED.

§ 198. s 30. When the court finds that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; if they find it to be a proper county charge, but greater in amount than is justly due, the court may allow the claim in part, and authorize the clerk to draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may be again considered at any regular session of the court within six months thereafter.

What claims to be rejected.

When claim may be allowed and paid in part.

PROCEEDINGS AFTER REJECTION OF CLAIM.

§ 199. s 31. A claimant dissatisfied with the rejection

Proceedings
after rejection
of claim; suit
may be
brought; effect
of judgment.

of his claim or demand, or with the amount allowed him on his account, may sue the county therefor, at any time within six months after the final action of the court, but not afterward, and if, in such action, judgment is recovered for more than the court allowed, on presentation of a certified copy of the judgment, the court must allow and pay the same, together with the costs adjudged; but if no more is recovered than the court allowed, the court must pay the claim, but no more than was originally allowed.

WARRANT MUST SPECIFY FUND.

Warrants to
specify fund
from which
payment is to
be made.

§ 200. s 32. Warrants drawn by order of the court on the county treasury must specify the liabilities for which they are drawn, and the funds from which they are to be paid.

The treasurer must pay the warrants in the order of their presentation. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of its registration.

NO MEMBER OF THE COURT MUST BE INTERESTED IN CERTAIN CLAIMS.

No member of
court to be
interested in
certain trans-
actions.

§ 201. s 33. No member of the court must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the court or other person in behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for other purposes.

NOTICES, WHERE POSTED.

Notices of
proceedings,
where to be
posted.

§ 202. s 34. All public notices of proceedings of, or to be had before the court, not otherwise specially provided for, must be posted at the court house door, and two other public places in the county.

SHADE TREES.

§ 203. s 35. The court, under such regulations as they may adopt, may encourage the planting and preservation of

shade, and ornamental trees on the public roads and high-ways, and on and about the public grounds, and buildings of the county.

Shade trees, encourage-ment to plant on public roads and grounds.

CLAIMS BY MEMBERS.

§ 204. s 36. All claims against the county presented by members of the county court for per diem or mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered.

Claims of members of court must be itemized and verified, etc.

STATEMENT OF THE CLERK.

§ 205. s 37. The court must have prepared by the clerk, and under their direction, prior to their annual meeting for levying taxes, a statement showing:

Annual statement to be made by clerk under direction of court; what to contain.

1. The indebtedness of the county, stating the amount of each class and the rate of interest borne by such indebtedness, or any part thereof.

2. The amount of cash in the county treasury and its several funds.

3. The amount of unpaid taxes, if any, for the previous year.

TO RECEIVE DONATIONS OF PROPERTY.

§ 206. s 38. The court may receive from any source, lands and other property which may be donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

AMOUNT OF BONDS.

§ 207. s 39. Each selectman, before entering upon the discharge of the duties of his office, shall give a bond to the county for which he has been elected, in the sum of five thousand dollars, conditioned that he will honestly and faithfully perform the duties of his office, said bond to be with at least two good and sufficient sureties, to the acceptance and approval of the probate judge of said county, and filed in

Selectmen to give bonds. How their sureties to justify.

his office. All persons offered as sureties on such official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the Territory, and is worth, in real or personal property, or both, situate in this Territory, the amount of his undertaking over and above all his just debts and liabilities, exclusive of property exempt from execution and forced sale.

COURT TO AUDIT COUNTY CHARGES.

All county charges must be presented for audit to county court.

§ 208. s 40. Accounts for county charges of every description must be presented to the county court to be audited as prescribed in this act.

COMPENSATION OF MEMBERS.

Compensation of members.

§ 209. s 41. The probate judge and selectmen shall each receive from their county, four dollars per day for each day actually employed in attending to business pertaining to the county court, together with mileage at the rate of twenty cents per mile in going only from their residences to the county seat at each sesssion of the court attended by them.

Powers of cities and towns not impaired.

§ 210. s 42. Nothing contained in this act is intended to diminish, impair, or in anywise affect the powers heretofore conferred upon incorporated cities and towns.

May enter lands for seats of justice.
Jan. 21, 1859.
Feb. 25, 1888.

§ 211. ⁽¹⁹⁴⁾ So soon as a land office shall be established in this Territory, it shall be the duty of the county courts, respectively, to select and enter a quarter section of land for county purposes, as contemplated in an act of Congress entitled an "Act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter-sections of land for seats of justice within the same." Approved May 26, 1824.

CHAPTER VII.

REMOVAL OF COUNTY SEATS.

SECTION.	SECTION
212 Petition for to be presented to county court.	218 Duty of clerk of county court and of county court; records of proceedings.
213 Requisite number of petitioners; question of removal to be submitted to vote.	219 If vote adverse, no other election for four years.
214 Notice of election.	220 If removed, how another removal may be submitted to vote.
215 Who may vote and how.	221 Penalty for neglect of duty.
216 Votes, how canvassed and certified.	
217 Duty of judges of election to canvass and certify votes.	

§ 212. s 1. Whenever the inhabitants of any county of this Territory desire to remove the county seat of the county, from the place it is fixed by law or otherwise, they may present a petition to the county court of their county praying such removal, and that an election be held to determine to what place such removal shall be made.

§ 213. s 2. If the petition is signed by qualified electors of the county equal in number, to at least two-fifths of all the votes cast in the county at the last preceding general election, then the county court shall direct that at the first general election, to be held at least ninety days after the presentation of such petition the question of the removal of such county seat shall be submitted to the qualified electors of such county.

§ 214. s 3. The clerk of the county court shall within ten days after the making of such order by the county court, cause at least three notices to be posted up in each precinct of the county, notifying the qualified electors that at the approaching general election, the question of the removal of the county seat of their county will be voted upon, and that at such election all those who favor a removal of the county seat, must designate upon their ballots, the place to which they desire such removal, and those who are opposed to the removal must so state upon their ballots.

Who may vote
and how.

§ 215. s 4. At the said general election each qualified voter may designate upon the same ballot which he uses to designate the county or precinct officers voted for, whether he favors the removal of the county seat, or not, and if he favors a removal, he shall state to what place he desires such removal.

Votes, how
canvassed and
certified.

§ 216. s 5. At the closing of the polls the judges of election or other officers, who are entrusted by law with conducting the election and canvassing the votes, shall canvass and list all of the votes cast, for and against such removal, and shall make out duplicate certificates specifying therein the number of votes cast in favor, and the number cast against such removal, and shall forthwith transmit by mail or other safe conveyance, to the clerk of the county court of the county whose county seat is sought to be removed, one of said certificates, and to the proper officer, whose duty it is or may be to receive, canvass and certify the returns of election, for county and precinct officers of such county, the other certificate.

Duty of judges
of election to
canvass and
certify votes.

§ 217. s 6. The precinct judges of election or other officers whose duty it is or may be, to receive, canvass and certify the returns of elections for precinct officers of such county, shall receive, canvass and certify the returns of such election and shall issue under their hands a proper certificate, specifying the total number of votes cast in such county for the removal of the county seat; the number of votes cast in favor of each place, and the number cast against removal, and forthwith forward such certificate by mail to the clerk of the county court of the county in which such election was held.

Duty of clerk
of county
court, and of
county court.

§ 218. s 7. The clerk of the county court of the county wherein such election has been held shall at the first session of such court after receiving said certificate from the said election officers, present the said certificate, and the returns received by him from the several precincts to the court who shall canvass the returns, and if it appears therefrom, and from the certificate received from the said election officers that two-thirds of all the votes cast for or against such removal, in said county, at such general election were in favor of removing the county seat to any place, they shall forthwith declare the result of the election to be for a removal of the county seat to such place, (naming it) and

shall name a day, which shall not be less than thirty days nor more than ninety days distant, on which the county seat shall be removed to such place (naming it), and the clerk of such court shall keep a full record of such proceedings, and of such certificate, and shall carefully preserve and file in his office, the said certificate and original returns for future reference. Record of proceedings.

§ 219. s 8. When the election has been held, and two-thirds of the votes are not cast for some other place than that fixed by law as the former county seat, no second election for the removal thereof shall be held within four years thereafter. If vote adverse no other election for four years.

§ 220. s 9. When the county seat of a county has been once removed, by the vote of the people of the county, it may be again removed from time to time in the manner prescribed by this act, but no election shall be ordered, to effect any such subsequent removal, unless a petition praying an election is signed by qualified electors of the county equal in number to at least two-fifths of all the votes cast at the last preceding general election, nor unless at such election when ordered two-thirds of all the votes cast are in favor of some other place as the seat of the county and such election when so ordered shall take place at the first general election held thereafter, nor shall two elections to effect such removal be held within four years. If removed, how another removal may be submitted to vote.

§ 221. s 10. Any officer who shall wilfully neglect or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor. Penalty for neglect of duty

CHANGE OF NAME OF TOWN, PRECINCT OR SCHOOL DISTRICT.

SECTION.

- 222 Residents of may petition county court to change name.
 223 Requisites of petition on which change may be made.

SECTION.

- 224 Old name, when deemed to mean the new name.

March 3, 1888.
 Residents of town, precinct or school district may petition county court for change of its name.

Requisites of petition on which change may be allowed.

§ 222. Whenever the residents of any town, precinct or school district desire to change the name of such town, precinct or school district, they may petition the county court of their county to order such change.

§ 223. s 2. When the county court of any county shall receive a petition signed by three-fourths of the legal voters, as shown by the registration list of the year next preceding, of any town, precinct or school district, asking that the name of such town, precinct school district be changed to some other name designated in the petition and not the name of any city, town, precinct, or school district or place in this Territory, the county court shall order such a change of name, and cause a notice thereof to be posted in three conspicuous places in each precinct in the county and also publish said notice in a newspaper having a general circulation in the Territory.

Old name when deemed to mean new name.

§ 224. s 3. Wherever the former name of a town, precinct or school district, the name of which having been changed as provided for in this act, appears in any legal papers or documents or in any law of this Territory dated before such a change of name took place, it shall be deemed to mean the new name of the place.

CHAPTER VIII.

NOTARIES AND COMMISSIONERS.

SECTION.

- 225 Commissioners may be appointed to take acknowledgments, etc., out of Territory.
- 226 Oaths administered by.
- 227 To send oath and signature to secretary of Territory.
- 228 Seal and signature same force as seal and signature of notary public.
- 229 What fees may demand.

SECTION.

- 230 Authority of commissioners appointed by States and other Territories.

NOTARIES PUBLIC.

- 231 Official oath and bond of notaries public.
- 232 Commission, where recorded.
- 233-235 Powers and duties.
- 236 Where records to be deposited in case of vacancy.
- 237 Official seal.

OF COMMISSIONERS OF DEEDS IN STATES AND OTHER TERRITORIES.

§ 225. ⁽¹³⁷⁾ The Governor may appoint in each of the States and other Territories of the United States one or more commissioners, to continue in office during the pleasure of the Governor; and such commissioners are empowered to administer oaths and to take depositions and affidavits to be used in this Territory, and also to take acknowledgment or proof of deeds or other instruments to be recorded in this Territory.

Commissioner may be appointed to take acknowledgments, etc. Feb. 18, 1868.

§ 226. ⁽¹³⁸⁾ Oaths administered by any such commissioners, affidavit and depositions taken by him, and acknowledgments as aforesaid, certified by him under his hand and appropriate seal, are made as effectual in law, for all intents and purposes, as if done and certified by a justice of the peace in this Territory.

Oaths administered by. Feb. 18, 1868.

§ 227. ⁽¹³⁹⁾ Before such commissioner can perform any of the duties of his office, he is required to take and subscribe an oath that he will faithfully perform said duties, which

To send oath and signature to secretary. Feb. 18, 1868.

oath shall be taken and subscribed before some judge or clerk of a court of record in the State or Territory in which the commissioner is to exercise his appointment, and be certified under the hand of the person taking it and the seal of his court; he is also required to file the oath and certificate together with his signature on paper and a clear impression of his seal on wax or wafer in the office of the secretary of this Territory.

Seal and signature, etc.
Feb. 18, 1868.

§ 228. ⁽¹⁴⁰⁾ A signature and seal purporting to be his, will be entitled to the same force, as evidence, with the signature and seal of a notary public.

What fees may be demanded.
Feb. 18, 1868.

§ 229. ⁽¹⁴¹⁾ Such commissioner is authorized to demand for his services the same fees as may be allowed for similar services by the laws of the State or Territory in which he exercises his office.

Authority of commissioners appointed by States and other Territories.
Feb. 18, 1868.

§ 230. ⁽¹⁴²⁾ Commissioners of a like nature appointed in this Territory under the authority of any State or other Territory of the United States, are hereby invested with all the authority of a justice of the peace; to issue subpoenas requiring the attendance of witnesses before them to give their testimony by deposition or affidavit in any matter in which their deposition or affidavit may be taken by the laws of such other State or Territory; and they are also authorized to administer in any matter in relation to which they are required or permitted by the laws of the other State or Territory; and false swearing in such cases is hereby made subject to the penal laws of this Territory relating to perjury.

NOTARIES PUBLIC.

Bond and oath
Jan. 17, 1866.

§ 231. ⁽²⁵⁵⁾ Each notary public shall, before entering upon his official duties, take the oath of office and give a bond, with sufficient sureties, to the Territory of Utah, in the penal sum of five hundred dollars, conditioned that he will faithfully perform the duties of his office; said bond to be approved by the secretary of the Territory.

See Poland bill.

Where commission to be recorded.
Jan. 17, 1866.

§ 232. ⁽²⁵⁶⁾ The commission and oath shall be recorded in the office of the secretary of the Territory; and such bond shall be filed in said office, and may be sued on by any person injured through the unfaithful performance of said notary's duties: *Provided*, that no suit shall be so instituted

after three years from the time the cause of such action occurred. See Poland bill

§ 233. ⁽²⁵⁷⁾ Notaries public are hereby authorized to administer all oaths provided for by law; to acknowledge powers of attorney and all instruments of writing conveying or affecting property in any part of this Territory, and elsewhere so far as may be lawful; to take affidavits and depositions; to make declarations and protests, and to do all other acts usually done by notaries public in other States and Territories. Authorized to administer oaths, etc. Jan. 17, 1866.

§ 234. ⁽²⁵⁸⁾ It is hereby made the duty of a notary public, whenever any instrument in writing is by him protested for non-payment or non-acceptance, to give written notice thereof, as soon as practicable, to the maker and each endorser or security of said instrument; and to personally serve such notice, when the person protested against resides in the same town or city with the notary, otherwise he may forward said notice by mail or other safe conveyance. Duty in relation to protests Jan. 17, 1866.

§ 235. ⁽²⁵⁹⁾ Each notary public shall keep a fair record of his official acts, including such notices, the time and manner in which they have been served and the names of all the parties to whom they were directed, and the description and amount of the instrument protested, which record shall be competent evidence to legally prove such notices; and, when required and the fees are paid, he shall give a certified copy of any official record or paper in his office. To keep record. Jan. 17, 1866.

§ 236. ⁽²⁶⁰⁾ When the office of a notary public becomes vacant, the record of said notary and all the papers relating to his office shall be deposited in the office of the secretary of the Territory; and if said records and papers are not so delivered within thirty days after said vacancy occurs, said secretary of the Territory is hereby authorized and required to take and deposit them as aforesaid; and in either case said secretary of the Territory shall safely keep the said records and papers, and, when requested and the fees are paid, shall give a certified copy of any portion thereof, which copy is hereby made as valid as if it had been given by the aforesaid notary public. Where records to be deposited in case of vacancy Jan. 17, 1866.

§ 237. ⁽²⁶¹⁾ In case a notary public uses an official seal, it shall contain the name of the county in which he resides, and he shall therewith attest all his official acts. What official seal to contain

CHAPTER IX.

REGISTRATION, QUALIFICATIONS TO HOLD OFFICE
AND ELECTIONS.

SECTION.	SECTION.
238 Elections, when to be held.	263 Omissions and irregularities.
239-242 Registration officers and their duties; voters' oaths.	264 Penalty for falsifying returns, frauds, etc.
243 County clerk to deliver registry lists to assessors.	265 False oath to be regarded as perjury.
244 Voters removing.	266 Riotous interference with voting.
245 Clerk shall preserve lists, etc.	267 Giving or offering bribe; challenges
246 Clerk shall give notice of election; form of.	268 Interference with ballot, ballot boxes, or threats to voter.
247 Judges of election, how appointed.	269 When act to take effect.
248 Ballot boxes and stationery, etc., how provided.	270-272 Special elections to fill vacancies; persons elected, how to qualify.
249-251 Ballots, and ballot boxes, and balloting.	273 Special elections, how conducted; when auditor and treasurer to be elected.
252 Note of balloting on list.	274 Canvass in case of a tie.
253-255 Canvass of votes.	275 Election of delegate.
256-257 Returns, examination of; determination of election.	276-277 Vacancy, how filled.
258 Disposition of ballots.	278 Qualifications of delegate.
259-260 Result of election, how certified; canvass of returns and certificate of election.	279 Of members of legislature.
261 Compensation of officers.	280 Of other officers.
262 Municipal elections, how conducted.	281 Soldiers not to vote.
	282 Who deemed a resident.

REGISTRATION OF VOTERS.

Approved February 22, 1878.

General election, when held.
Jan. 3, 1853.

§ 238. ⁽¹⁷⁾ Annually on the first Monday of August there shall be a general election held in each precinct in the several counties, for choosing all officers not otherwise provided for.

Assessors constituted Registration Officers

May appoint deputy.

Feb. 22, 1878.

Duty of.

§ 239. s 1. The assessors in their respective counties are hereby constituted the registration officers, and they are required to appoint a resident deputy in each precinct to assist in carrying out the provisions of this act, and before the first Monday in June, 1878, in person or by deputy they shall visit every dwelling in each precinct, and make careful inquiry as to any or all persons entitled to vote, and each assessor or

deputy in all cases, shall ascertain upon what ground such person claims to be a voter, and he shall require each person entitled to vote and desiring to be registered, to take and subscribe in substance the following oath or affirmation:

Territory of Utah, }
County——— } ss

I, ——, being first duly sworn, depose and say that I Oath of voter.
am over twenty-one years of age and have resided in the Territory of Utah for six months, and in the precinct of—— one month next preceding the date hereof, and (if a male,) am a “native born” or “naturalized” (as the case may be,) citizen of the United States, and a tax-payer in this Territory (or, if a female,) I am “native born” or “naturalized” or the “wife,” “widow,” or “daughter,” (as the case may be,) of a native born or naturalized citizen of the United States.

Subscribed and sworn to before me this——day of
——A. D. 18—.

Assessor.

Upon the receipt of such affidavit, the assessor, as aforesaid, shall place the name of such voter upon the registry list of the voters of the county.

§ 240. s 2. It shall also be the duty of the assessor of Assessor, duty of.
each county, in person or by deputy, at the time of making the annual assessment for taxes in each year, beginning in 1879, to take up the transcript of the next preceding registration Shall make list of voters.
list, and proceed to the revision of the same, and for this purpose he shall visit every dwelling house in each precinct, and make careful inquiry if any person, whose name is on his list, has died or removed from the precinct, or is otherwise disqualified as a voter of such precinct, and if so, to erase the same therefrom, or whether any qualified voter resides therein, whose name is not on his list, and if so, to add the same thereto, in the manner as provided in the preceding section.

§ 241. s 3. It shall also be the duty of each assessor, Same.
in person or by deputy, during the week commencing the first Monday in June of each year, at his office, or enter on his registry list the name of any voter that may have been omitted, on such voter appearing and complying with the provision of the first section of this act required of voters for registration purposes.

Same.

§ 242. s 4. Upon the completion of the list, it shall be the duty of each assessor as aforesaid, to proceed to make out a list in alphabetical order for each precinct, containing the names of all the registered voters of such precinct, and shall on or before the first day of July of each year deliver all of said lists and affidavits to the clerk of the county court.

Clerk of county court shall deliver registry lists to assessor.

§ 243. s 5. The clerk of the county court shall deliver to the assessor the registry lists whenever necessary for the revision thereof, or adding names thereto, and the assessor, in person or by deputy, shall, during the week commencing the second Monday in September in the year 1878, and every second year thereafter, enter names of voters on the registry list in the manner provided in section three of this act, and upon the list being completed, proceed as required by section four of this act. *Provided*, That in such case he shall deliver the list and affidavits on or before the tenth day of October in such year.

Voters removing.

§ 244. s 6. Voters removing from one election precinct to another in the same county, may appear before the assessor at any time previous to the delivery of the registry list to the clerk of the county court, and have their names erased therefrom, and they may thereupon have their names registered in the precinct to which they may remove.

Clerk shall preserve lists, etc.

§ 245. s 7. The clerk of the county court shall file, and carefully preserve all said affidavits and registry lists and shall make a copy of each precinct registry list, and cause the same to be posted up at least fifteen days before any election, at or near the place of election, and shall make and transmit another copy to the judges of election.

Clerk shall give notice of election.

§ 246. s 8. The clerk of the county court shall cause to be printed or written a notice which shall designate the offices to be filled, and stating that the election will commence at———(designating the place for holding the polls,) one hour after sunrise, and continue until sunset on the———day of———, 18—. (naming the day of election.) Dated at———A. D. 18—.

Form of notice

Clerk of the county court.

Copy of notice to be posted.

A copy of which shall be posted up, at least fifteen days before the election, in three public places in said precinct, best calculated to give notice to all the voters. It shall also be the duty of the clerk of the county court to give notice on

the lists so posted, that the senior justices of the peace for said precinct will hear objections to the right to vote of any person registered, until sunset of the fifth day preceding the day of election. Said objections shall be made by a qualified voter in writing and delivered to the said justice, who shall issue a written notice to the person objected to, stating the place, day and hour when the objection will be heard. The person making the objection shall serve, or cause to be served, said notice upon the person objected to, and shall also make returns of such service to the justice before whom the objection shall be heard. Upon the hearing of the case, if said justice shall find that the person objected to is not a qualified voter, he shall, within three days prior to the election, transmit a certified list of the names of all such unqualified persons to the judges of election, and said judges shall strike such names from the registry list before the opening of the polls.

Notice that Justice will hear objections.

Objection, how heard and determined.

§ 247. s 9. The county court shall, at its first session in June of each year, appoint three capable and discreet persons in each precinct in the county, one at least of whom shall be of the political party that was in the minority at the last previous election, if any such party there be in such precinct to act as judges of general and special elections; and they shall designate one of the persons appointed to preside, and the other two to act as clerks of said elections. And the clerk of said courts shall make out certificates of said appointments and transmit the same by mail, or other safe conveyance to the persons so appointed, who, previous to entering upon said office, shall take and subscribe an oath, to the effect that they will well and faithfully perform all the duties thereof to the best of their ability, and that they will studiously endeavor to prevent any fraud, deceit or abuse at any election over which they may preside. If, in any precinct any of such judges decline to serve or fail to appear, the voters of said precinct first assembled on the day of election, to the number of six, at or immediately after the time designated for opening the polls, may elect a judge or judges to fill the vacancy, and the persons so elected shall qualify as hereinbefore provided.

Judges of election, how appointed.

§ 248. s 10. The county court shall provide the necessary books, blanks, stationery and ballot boxes, which ballot boxes shall be made of galvanized iron of suitable size, with

Ballot boxes, books and stationery, how provided, etc.

Yale or other safe lock, and two keys. One of the keys to be kept by the judges of election, and one by the clerk of the county court; *Provided*, If any county has good and substantial ballot boxes with Yale locks and keys, the same may be used. There shall be an opening through the lid of each ballot box, of sufficient size to admit of a single ballot.

Envelopes for election purposes to be furnished by county court.

§ 249. s 11. The county court shall furnish the judges of elections, in every precinct, with a sufficient number of plain envelopes for election purposes. Said envelopes shall be uniform in color and size, without any marks, writing, printing, or device upon them; and no other kind shall be used at any given election. Before opening the polls the ballot box shall be carefully and publicly examined by the judges of election, who shall satisfy themselves that nothing is therein. It shall then be locked and the key thereof delivered to the presiding judge; and said ballot box shall not be opened during the election.

Ballot box to be examined.

Clerk of election, how designated.

§ 250. s 12. At the opening of the polls at all general or special elections, the judges of election, for their respective precincts, shall designate one of the judges, acting as clerk, who shall have in custody the registry of voters, and shall make the entries therein required by law; the other of said judges acting as clerk, shall write the name of each person voting, and opposite [to] it, the number of the vote.

Duty of.

Ballots.

§ 251. s 13. Every voter shall designate on a single ballot, written or printed, the name of the person or persons voted for, with a pertinent designation of the office to be filled. And when any question is to be decided, in the affirmative or negative, he shall state the proposition at the bottom of the ballot, and write thereunder "Yes" or "No" as he may desire to vote thereon; which ballot shall be neatly folded and placed in one of the envelopes hereinbefore provided for, and delivered to the presiding judge of election, who shall, in the presence of the voter, on the name of the proposed voter being found on the registry list, and on all challenges to such vote being decided in favor of such voter, deposit it [in] the ballot box, without any mark whatever being placed on such envelope; otherwise, the ballot shall be rejected.

Mode of voting

§ 252. s 14. Whenever any ballot shall be deposited in the ballot box, the judge having the registry list shall write

the word "voted" opposite the name of the person casting the vote, and the other judge acting as clerk shall write the name of the voter, and the number of the vote upon a list, to be made by such judge.

When ballot is deposited, duty of election officers.

§ 253. s 15. As soon as the polls shall be closed, the judges of election shall immediately proceed to canvass the votes cast at such election, and continue without adjournment until completed. And all candidates voted for, may be present, either in person or by representative, to witness said canvass. If any envelope contains two or more ballots of the same kind, folded together, only one shall be counted.

Canvass of votes polled.

Who may witness same.

§ 254. s 16. The canvass shall commence by the judges who have acted as clerks of the election comparing their respective lists and ascertaining from said lists the number of votes cast. The box shall then be opened and the ballots therein taken out and counted by the judges, and the judges, acting as clerks, shall each make a list of all the persons voted for. The presiding judge shall then proceed to open the ballots and call off therefrom the names of the persons voted for, and the offices they are intended to fill; and the judges, acting as clerks, shall take an account of the same upon their lists; and all the ballots shall be immediately returned to the ballot box; and the ballot box shall be locked and securely sealed.

Canvass of votes.

How commenced and conducted.

§ 255. s 17. After the canvass shall have been completed, the judges of election shall add up and determine the number of votes cast for each person, for the several offices, which result shall be placed on the lists made by the judges acting as clerks of the election, and the judges shall thereupon certify to the same, and forward all the lists securely sealed, together with the ballot box, to the clerk of the county court, by a qualified voter of the county, who shall, before taking the same take and subscribe an oath to the effect that he will deliver the same to the said clerk without unnecessary delay, and that he will use his utmost ability to prevent any interference whatever therewith by any person whatsoever.

Result of canvass, how certified.

§ 256. s 18. On receipt of the ballot boxes, and returns of election, the clerk of the county court, in the presence of, at least, one member of the county court, who is not publicly known as a candidate voted for at such election, shall break the seal of the returns, and all candidates may be present as provided in section fifteen of this act, and said clerk and mem-

Returns, examination of.

ber or members of the county court shall carefully examine the returns; and if no irregularity or discrepancy appear therein, effecting the result of the election of any candidate, they shall accept said returns as correct; but if the right of any person voted for, for any office, is in any way affected, then the clerk and said members of the county court, shall open the ballots from said precinct and canvass the same, so far as to determine the rights of the person whose office may be affected. They may also cause to appear before them any persons whom they deem proper, and take their testimony in relation to said election, in said precinct.

Returns, disagreement in.

§ 257. s 19. If there shall be any disagreement in the returns, in regard to the number of votes cast for any Territorial officer, or any officer whose election is effected by the votes of more counties than one, then said members of the county court shall canvass the votes, and proceed as herein directed. After the completion of the canvass, said member or members and clerk of the county court, shall declare the result thereof, and the clerk of the county court shall immediately make out and transmit a certificate of election to each person elected to any precinct or county office: *Provided,*

In case of a tie

That whenever a tie shall occur between two or more persons for the same office, the clerk of the county court shall notify each of them thereof, and the same shall be decided by lot in the presence and under the direction of the county court. The notice herein provided for shall state the time and place and the manner in which the tie is to be decided. If either of the persons notified fail to appear by self or agent, such person shall be deemed to have waived all right to the office, and the clerk shall issue the election certificate to the person appearing; if neither of them appear by self or agent, the office shall be deemed vacant, and may be filled as in case of other vacancies.

Ballots, how disposed of after election.

§ 258. s 20. Immediately after the inspection of the ballots in any ballot box, the ballots shall be returned into the box, which shall be locked and securely sealed, and the boxes shall be so preserved for ten days after the result of the election has been declared, and immediately after the expiration of the ten days, and no notice of a contest being filed, requiring further delay, the clerk of the county court shall, in the presence of at least one of the members of the county court and such candidates voted for as may be present,

open each of the ballot boxes and destroy all ballots contained therein.

§ 259. s 21. The clerk of the county court shall also, ^{Results of election, how certified.} as soon as possible after the result of the election has been so determined, make out a general abstract thereof in triplicate, and certify to the correctness thereof, one of which he shall file and one of which he shall post up in his office, and forward to the secretary of the Territory a certified copy of the names of the persons voted for and the number of votes each has received for Territorial offices. The envelope containing said abstract shall be plainly marked "Election Returns from _____county." (Filling in the name of the county as the case may be.)

§ 260. s 22. As soon as all the returns are received by ^{Returns, how canvassed.} the secretary of the Territory he shall, in the presence of the Governor, unseal and canvass the same, and make an abstract thereof, and the secretary shall, within ten days thereafter, make out and transmit a certificate of election to each member ^{Certificate of election.} of the Legislature and Territorial officers elected.

§ 261. s 23. The assessors and their deputies shall ^{Compensation of assessor and election officers.} receive such compensation for their services, required by this act, as the county court shall determine; and the judges of election shall receive for their services, thirty cents per hour for all services rendered in conducting elections and canvassing votes, and each of said officers is hereby authorized to administer oaths whenever necessary to carry into effect the provisions of this act.

§ 262. s 24. The judges of elections shall receive for ^{Judges of election, compensation of.} their services three dollars per day; and thirty cents per hour for all services rendered in canvassing votes. All municipal elections shall be held and conducted, and the returns and canvass of votes thereof, made substantially in accordance ^{Municipal elections.} with the provisions of this act, and it shall be the duty of the city councils, of their respective cities, to provide for the registering of voters and the appointment or election of all officers necessary, and to furnish all necessary appliances for the carrying out of the provisions of this section; and to aid them therein, the clerk of the county court, on the demand of the recorder of any municipal corporation, shall, on payment of the proper fees, furnish a certified copy of the registry list of voters of any precinct, or part thereof, within any such municipality.

Omissions and irregularities.

§ 263. s 25. Any omission or irregularity of any assessor or other officer, pertaining to election matters, shall not invalidate any election or authorize the rejection of any legal votes cast, except to the extent that such omission or irregularity shall have prevented a fair vote.

Falsifying returns, fraud or failure to perform duties, penalty for.

§ 264. s 26. Any person who shall falsely make any return, or falsely make any certificate of election returns, or who shall in any manner procure or assist in the making of the same or cause the same to be done, or who shall in any manner do or cause any fraud in any election, or having entered upon any of the offices or duties provided for in this act, shall willfully fail or neglect to perform any of the duties required of such officer or person, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine not exceeding the sum of one thousand dollars, or be imprisoned in the penitentiary for a term not exceeding two years.

False oath under this act.

§ 265. s 27. If any person who is required by this act to take an oath, shall falsely swear, such person shall be deemed guilty of perjury.

Riotous conduct or interfering with voter.

§ 266. s 28. Any person who shall disturb or be guilty of any riotous conduct at any election in this Territory, or who shall disturb or interfere with the canvassing of the votes, or interfere with the making of the returns, or who shall interfere with any voter in the free exercise of the elective franchise, shall be deemed guilty of a misdemeanor.

Giving or offering bribe to influence voter—made a misdemeanor.

§ 267. s 29. Any person who shall give, or promise, or offer to give to an elector, any money, reward, or other valuable consideration for his or her vote at an election, or for withholding the same, or who shall give, or promise to give, such considerations to any other person or party, for such elector's vote, or for the withholding thereof or any elector who shall receive or agree to receive, for himself, or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall be deemed guilty of a misdemeanor, and shall also forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause, before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

Voter, when challenged, shall swear.

§268. s 30. Any person who shall offer any bribe, threat or intimidation to any elector for the purpose of influencing his or her vote, or shall examine any ballot offered or cast at the polls, or found in any ballot box, for any other purpose than to ascertain what candidate has been elected, or who votes more than once at any one election or knowingly offers to vote two or more ballots, or in any manner changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled, shall be deemed guilty of a misdemeanor.

Threats, intimidation, interference with ballot or ballot boxes

§ 269. s 31. This act shall take effect on and after the first Monday of March, A. D. 1878. (1)

Act takes effect, when.

§ 270. s 1. In case of the death, resignation, or other disability of any Territorial officer, made elective in this Territory, it shall be the duty of the Governor, within ten days after receiving notice of the death, resignation, or other disability of such officer, to call a special election in the Territory or district where such vacancy shall have occurred, for the purpose of filling the same.

Territorial office, vacancy in, how filled. Feb. 22, 1878.

§ 271. s 2. In case of a vacancy by the death, resignation or other disability of any probate judge, or justice of the peace in any county in this Territory, it shall be the duty of the probate judge, or in case of his death or disability, any two of the selectmen of such county, within twenty days after receiving information thereof, to order a special election to fill such vacancy in the county or precinct where such vacancy shall have occurred. In case of a vacancy by the death, resignation, or other disability of any county or precinct officer, except probate judge or justice of the peace, made elective in any county in this Territory, it shall be the duty of the county court in such county to fill such vacancy by appointment: *Provided*, That each person elected or appointed to any county or precinct office shall qualify, as by law required, within twenty days after receiving notice of his election or appointment, and all persons re-elected to any office, thereby becoming their own successors, shall, when so elected, give bonds, qualify and be commissioned by the Governor, as in other cases required by law.

Vacancy in offices of probate judge and justices of the peace, how filled. Feb. 18, 1880.

Vacancies in other offices, how filled.

Persons re-elected must qualify and be commissioned.

(1) The Edmunds Law ante sec. 22, and the Edmunds-Tucker Law ante sec. 23, materially modify the operations of several provisions of this act.

Officers elected
to vacancy.
Feb. 22, 1878.
L. 1880, p 14.

§ 272. s 3. All officers elected or appointed to fill vacancies, as provided in this act, shall, before entering upon the duties of their office, qualify in the same manner as though they had been elected at any general election, and shall hold office until the ensuing general election, or until their successors are elected and qualified.

Special elec-
tions, how
held.

§ 273. s 4. The special elections, as contemplated in this act, shall be held, conducted and returns thereof made in the same manner as is now, or may hereafter be, provided for general elections in this Territory. The Territorial treasurer and auditor of public accounts shall be hereafter elected by the qualified voters at the general election in August, 1878, and biennially thereafter and the present incumbents shall hold their respective offices and perform the duties of the same until the next general election, and until their successors shall be elected and qualified.

Treasurer and
auditor, how
and when
elected.

How election
determined if
ties occur.
Jan 3, 1883.

§ 274. ⁽³⁸⁾ When ties occur, if for a Territorial officer, the secretary shall determine the election by lot in the presence of the Governor; and if for a county or precinct officer it shall in like manner be determined by the county clerk in the presence of the probate judge.

Election of
delegate to
Congress.
Feb. 18, 1876.

§ 275. ⁽³²⁾ In accordance with an act of Congress passed February 2, 1872, an election for delegate to the Congress of the United States, for the Territory of Utah, shall be held in each precinct on the Tuesday next after the first Monday in November, in the year 1876, and every second year thereafter.

Special elec-
tion to be
called.
March 13, 1884.

§ 276. s 1. In case of the death, resignation or other disability of the delegate to the House of Representatives of the United States for the Territory of Utah, it is hereby made the duty of the Governor, within twenty days after receiving notice of such vacancy, to call a special election to fill said office.

How con-
ducted, etc.

§ 277. s 2. The special election provided for in this act shall be held, conducted, and returns thereof made in the same manner as is now, or may hereafter be provided for general elections in the Territory.

Qualification
of delegate to
Congress.
Jan. 21, 1889.

§ 278. ⁽³⁸⁾ No person shall be elected a delegate to the Congress of the United States from this Territory, who has not been a resident therein during one year next preceding the day of election.

§ 279. ⁽³⁹⁾ No person shall be eligible to a seat in either branch of the Legislative Assembly, unless he has been a resident in the county or district to be represented, during at least one year next preceding the day of election.

Of members of
Assembly.
Jan. 21, 1859.

§ 280. ⁽⁴⁰⁾ No person shall be elected or appointed to any Territorial, district, county or precinct office, unless he shall have been a constant resident in this Territory during at least one year next preceding such election or appointment; neither shall any person be entitled to hold any office of trust or profit in the Territory, or vote at any election unless he is a male citizen of the United States, over twenty-one years of age, and has been a constant resident in the Territory during the six months next preceding said election or appointment.

Of Territorial,
county and
precinct offi-
cers and
electors.
Jan. 21, 1859.

Feb. 5, 1868.

§ 281. ⁽⁴¹⁾ No officer or soldier of the United States army or other person subject to their military authority is eligible to hold any office or serve on any jury or vote at any election in this Territory, unless his home and place of residence was therein at the time of engaging in such service.

Soldiers not to
vote, etc.
Jan. 21, 1859.

§ 282. ⁽⁴²⁾ No person shall be deemed a resident within the meaning of this act, unless he is a tax-payer in this Territory.

Who deemed
a resident.
Jan. 21, 1859.

CHAPTER X.

MUNICIPAL CHARTERS.

SECTION.	SECTION.
283 Construing charters of incorporated cities.	297 Misdemeanors committed in city limits; fine where paid in certain cases.
284 Mayor and aldermen to be justices of the peace; jurisdiction of.	298 Certain city officers how elected.
285 Cases under city ordinances, how commenced.	299 Members of city council shall not hold office when.
286-292 Powers of council.	300 Incorporated cities given power to collect taxes by levy and sale of property.
293 Power to keep the sidewalks free from obstructions.	301 Council to have power to collect water tax.
294 Water works; tax for how levied; commissioners to be appointed.	302 Punish assault and battery and petit larceny.
295 Expense paid by city, reimbursed how.	303 Powers of councils of Ogden, Provo, Logan and Corinne.
296 Assessment a lien on real estate.	304 Powers of councils of said cities to tax real estate to make certain improvements.

AMENDMENTS.

Construing
charters of
incorporated
cities.
Feb. 21, 1868.

§ 283. ⁽³⁾ No part of the charters of the incorporated cities in this Territory shall be construed to authorize a city council to in any way license or tax any kind of gambling, either for money or other property, or to license or tax houses of ill fame, bawdy or other disorderly houses or places, but they shall prohibit and abate all such acts, houses and places as they are herein forbidden to tax or license.

Mayor and
aldermen to be
justices of the
peace, juris-
diction of.

§ 284. s 1. The mayor and aldermen of each incorporated city shall be justices of the peace within the limits of their respective cities, and be commissioned as such by the Governor; and shall have jurisdiction in cases arising under the rules, laws and ordinances thereof; also in cases arising under the laws of the Territory; and all fines, penalties and forfeitures collected by them, arising under the ordinances of said city, shall be paid into the treasuries of their respective cities, and all fines, penalties and forfeitures collected by them arising under the laws of the Territory, shall be paid into their respective county treasuries.

§ 285. s 2. All cases arising under the ordinances of any city, may be commenced by affidavit and warrant issued thereon: *Provided*, Any officer having probable cause to believe an offence has been committed, may arrest any supposed offender, before affidavit filed or warrant issued. The affidavit shall be sufficient, if it refer to the ordinance by its title and date.

Cases under city ordinances, how commenced.
Feb 15, 1872.

§ 286. s 3. The city council of any city shall have power to provide by ordinance for imprisonment and forfeiture in cases of violation of city ordinance: *Provided*, That justices of the peace, within and for the respective cities, shall have exclusive jurisdiction in all cases of fines, for crimes or misdemeanors, arising under the ordinances of the city, where the fine does not exceed one hundred dollars, or imprisonment not exceeding six months, or both fine and imprisonment.

Powers of council.
Feb. 15, 1872.

§ 287. s 4. The city councils of the respective cities, for the purpose of protecting property against loss by fire, may by ordinance, define the limits of fire districts, and prohibit the erection of wooden buildings therein.

§ 288. s 6. To license, tax and regulate lawyers, surgeons, physicians, dentists, and other like professions; and prevent, by penalties, quacks and other pretenders.

§ 289. s 7. To license, tax, and regulate bankers, agents, expressmen, express companies, telegraphers, photographers, assayers, smelters, crushers, and other like occupations or pursuits.

§ 290. s 8. The city councils of the respective cities, are hereby empowered by ordinance to prevent, punish or prohibit every kind of fraudulent device and practice, and all games of hazard; and punish the keepers of houses wherein the same is conducted.

§ 291. s 9. To license, tax, regulate and suppress billiard tables, pin alleys, or tables and ball alleys; to suppress or restrain bawdy and other disorderly houses, and punish the keepers thereof.

§ 292. s 10. So much of the city charters of the several cities as conflict with the foregoing sections of this act are hereby repealed.

§ 293. s 1. The city councils of the respective cities of this Territory are hereby empowered, by ordinance and enforcement thereof, to compel persons to keep the side-

Power to compel the keeping of sidewalks free from obstructions.

Feb. 22, 1878.	walks in front of their respective places of business free from obstructions.
Water works. Feb. 22, 1878.	§ 294. s 2. To construct water works and reservoirs, lay water pipes, erect hydrants, and to keep the same in repair, to supply the said cities with water, and regulate, control and protect the same, and for such purposes the city council of any city shall have power to levy and collect a tax on real estate in any district or division of such city specially benefitted by any such improvement, sufficient to defray the expenses thereof; <i>Provided</i> , That an amount equivalent to the money thus raised shall be expended for such purposes exclusively within the district where such taxes are assessed and by such person or persons as said city council may appoint. The city council of the city where such tax may be levied, shall determine the amount to be assessed for any of the purposes above named; and the assessment shall be apportioned in the district to be benefitted by the improvement in which such assessment is made, either according to the extent of frontage of the property to be assessed, or upon real estate, including the improvements thereon; and, in proportion to the benefits respectively resulting thereto by virtue of such improvement, as may be directed by such city council; <i>Provided</i> , That if the apportionment is according to frontage, due allowance may be made in case of corner lots. Such city council shall appoint three commissioners, reputable citizens, who shall be sworn to faithfully and impartially execute their duties. Before entering upon their duties, the commissioners shall give at least six days' notice by publication in some newspaper of general circulation in such city, or otherwise, as may be directed by such city council to all persons interested. The commissioners shall assess the amount according to the apportionment previously directed by such city council, on the real estate benefitted by such improvement. When the commissioners shall have completed their assessment and made a correct copy thereof, they shall deliver the same to the city recorder of such city, within thirty days after their appointment, signed by all the commissioners. The city recorder shall cause a notice to be published to all persons interested, of the completion of the assessment, and the time and place shall be designated therein when such city council shall hear appeals and objections and correct and affirm said assessment. When said
Tax to pay for, how levied.	
Amended, Feb. 20, 1880.	
Three commissioners to be appointed to assess tax.	
Their duties.	
Duty of recorder.	
Appeals and objections.	

assessment shall have been completed, such city recorder shall, within ten days thereafter, make a correct tax list which shall be delivered to the city collector of said city or any other authorized agent appointed by such city council, who shall immediately proceed to collect such taxes, with the same authority, and in like manner as other taxes are collected in such city: *Provided*, That in no case shall more than fifty per cent. of any tax assessed under this act be collected in any one year. If the first assessment prove insufficient, another may be made in the same manner, or, if too large a sum shall at any time be raised, the excess shall be refunded ratably, to those by whom it was paid.

Amended Feb.
20, 1880.

Excess
refunded.

§ 295. s 3. Where improvements of the kind mentioned in the preceding section, have been made in any city, and the expense thereof has been paid out of the general funds of the city, or the obligation therefor has been incurred by it, the city council thereof shall cause to be levied and collected a sufficient tax on the real estate especially benefitted by such improvement, or improvements, for the purpose of reimbursing such city for the costs thereof; the levy and collection of such tax to be made in the manner provided in the preceding section.

Amended Feb.
20, 1880.

Expense paid
by city reim-
bursed, how.
Feb. 22, 1878.

§ 296. s 4. Every assessment made in accordance with the foregoing provisions from the date of the completion thereof shall be a lien upon the real estate upon which it is levied.

Assessment
a lien on real
estate.
Feb. 22, 1878.

§ 297. s 5. That in convictions for misdemeanor, (as defined by the penal code of Utah, approved February 18, 1876,) committed within the limits of any city, where the arrest is made by an officer of such city, the fines accruing therefrom shall be paid into the treasury of said city, and the imprisonment shall be in the city jail thereof, or in the county jail at the expense of such city.

Misdemeanors
committed in
city limits, fine
where paid in
certain cases.
Feb. 22, 1878.

§ 298. s 6. All city recorders, treasurers, marshals and assessors and collectors, shall be elected by the people in the same manner and for the same term, as members of the city council are elected.

Certain city
officers, how
elected.

§ 299. s 7. No member of any city council shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term.

Member of
city council
shall not hold
office, when.

March 1, 1884
Incorporated
cities given
power to col-
lect taxes by
levy and sale
of property.

§ 300. The city councils of each and every of the incorporated cities of this Territory, are hereby authorized and empowered by ordinance and enforcement thereof to enforce the payment of all city taxes by levy and sale of the real or personal property of any delinquent taxpayer, in the manner provided by law for assessing and collecting territorial and county taxes. The city assessors and collectors to exercise the same powers within their several jurisdictions as are exercised by county assessors and collectors, and any city taxes, when assessed, shall be a lien on the property assessed until paid.

City councils
to have power
to assess,
collect and
expend water
tax.
March 11, 1886.

§ 301. s 2. The city councils of the respective cities of this Territory shall have power to annually assess, collect and expend a water tax, to supply the city with water, for domestic and irrigating purposes, and may regulate the use of water for manufacturing purposes, and to tax individuals for the use of such water, in proportion to the amount of water used by each: *Provided*, That nothing herein shall be construed to interfere with the water rights accrued by priority of appropriation.

Prior rights
not interfered
with.

§ 302. s 3. To provide against, by ordinance, and punish offences of assault and battery, and petit larceny.

May provide
for punish-
ment of
assault, etc.
Powers of
councils of
Ogden, Provo,
Logan and
Corinne.
Feb. 15, 1872.

§ 303. s 1. The city councils of Ogden, Provo, Logan, and Corinne cities respectively, shall have power and are hereby authorized:

1. To license, tax and regulate livery stables.
2. To license, tax and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen and all others who may pursue like occupations, with or without vehicles, and prescribe their compensation.
3. To establish, erect and control hospitals, infirmaries and medical colleges; to purchase grounds for their erection and improve and adorn the same.
4. To purchase and improve suitable grounds for a house of correction; to erect a jail and other buildings thereon, and adopt such rules and regulations for the government and punishment of offenders therein, as said respective city councils may from time to time deem expedient.
5. To direct and control the locations of railroad tracks and depot grounds within the city, and regulate or prohibit the use of locomotive engines thereon, and may require the cars to be used within the inhabited portions thereof, to be

drawn or propelled by other power than that of steam.

6. To regulate and control the locations of gas works, canals, telegraph poles, and all improvements of a similar nature.

7. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to authorize the distraining, impounding or sale of the same, for the penalty and costs incurred thereby; and to impose penalties for any violation of city ordinance in relation thereto.

§ 304. s 2. The respective city councils of the aforesaid cities shall have power to levy and collect on real estate (or land claims and improvements thereon) in any district or divisions benefitted, within the limits of their respective cities, a sufficient tax to defray the expenses of leveling, paving, macadamizing or planking, and opening and keeping in repair the streets and sidewalks, of constructing sewers and drains, and keeping the same in repair, and of erecting lamps and lighting the streets in such respective districts or divisions:

Powers of councils of said cities to tax real estate to make certain improvements.

Provided, the money thus raised shall be exclusively expended for such purpose in the district where such taxes are assessed, and by such person or persons as the city council may appoint. The amount to be assessed for any such improvement shall be determined by the respective city councils, who shall appoint three commissioners, reputable citizens, to make such assessment, who shall be sworn to faithfully and impartially execute their duties.

Before entering on their duties, the commissioners shall give six days' notice of the time and place of meeting, to all persons interested. The commissioners shall assess the amount, directed by their respective city councils, on the real estate (or land claims and improvements), by them deemed benefitted by any such improvement in proportion to the benefit resulting thereto.

When the commissioners of their respective cities shall have completed this assessment and made a correct copy thereof, they shall deliver the same to the city recorder within thirty days after their appointment, signed by all the commissioners. The city recorder shall cause a notice to be published to all persons interested, of the completion of the assessment, and the time and place shall be designated there-

in, when the city council shall hear appeals and objections and correct or confirm said assessment.

When the said assessment shall have been completed, the city recorder shall, within ten days thereafter, make a correct tax list, which shall be delivered to the collector or any authorized agent, appointed by the city council, who shall collect said taxes within such time as may be prescribed by said council.

If any assessment is set aside by order of any court, the city council may cause a new one to be made in like manner for the same purpose, for the collection of the amount so assessed.

If the first assessment prove insufficient, another may be made in the same manner, or if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

SALT LAKE CITY.

SECTION.	SECTION.
304-305 Boundaries; corporation formed; seal.	382 Saving clauses.
306 Powers of corporation.	383 This a public act.
307 City to be divided into wards.	384 Saving clause.
308 Council to be composed of mayor, five aldermen, nine councilors.	385 Conservators of the peace, powers of.
309 Elections, when held.	386 Old council to continue with authority until successors elected.
310 First election, how conducted.	387 Repealing clause.
311 Subsequent elections.	388 Council to publish financial statement.
312 Council to appoint certain officers.	389 Powers of council.
313 Officers, how removed.	390 Council may levy tax on real estate for certain purposes.
314 Vacancies, how filled.	391 Commissioners to assess.
315 Illegal voting, punishment for.	392 Commissioners to deliver assessment to recorder.
316 Mayor's special oath.	393 Recorder to give notice of time council will hear objections.
317 Mayor and aldermen conservators of the peace, powers and duties of.	394 Recorder shall make tax list and deliver to collector.
318 Mayor and aldermen, jurisdiction of.	395 If assessment set aside, new one may be made.
319 Recorder's duties.	396 If first insufficient, another may be made.
320 Marshal's duties; process, how directed.	397-399 Powers of council.
321 Treasurer's duties.	400 Mayor's power to appoint police.
322 Council meetings; mayor to preside.	401 Powers of council.
323 Council meetings, special and stated.	402 Sections 60 and 63 amended to give council power to borrow \$250,000, and to provide for special elections.
324 Council to manage finances and property.	403 Council must provide sinking fund.
325-367 Powers of council.	404 Powers of council.
368 Assessment roll, when returned; council to hear objections to.	405 Corporation given power to construct canals.
369 Collector to be furnished tax list; taxes collected how.	406 Proceedings to secure right of way; appraisers to be appointed.
370 Taxes, general and special, how collected.	407 Ten days notice to be given, etc.; court to hear parties interested.
371-373 Powers of council.	408 Appraisers to take oath; may administer oaths, issue subpoenas, etc.
374 Ordinances must be published.	409 Court to enter upon its minutes a will describing lands, etc.
375 Ordinances, how proven.	410 Corporation may perfect its title to land, etc.; compensation of appraisers; vacancies, how filled.
376 Council may prescribe duties of officers.	
377 Officers appointed to be commissioned by the mayor and recorder.	
378 Officers failing to deliver papers, etc., to successors; penalty.	
379-380 Property, how taken for streets.	
381 Cemetery lots exempt.	

§ 304. s 1. All that district of country embraced in the following boundaries, to-wit: Beginning at a point one hundred and thirty-six rods north of the Hot Spring, thence west to the

Feb. 20, 1860.
Boundaries.

Corporation
formed, seal.

west bank of the Jordan river, thence up the west bank thereof to a point directly west from the southwest corner of the five acre lots according to the present survey, thence east along the south line of said lots to the southeast corner thereof, thence east nine hundred rods, thence north to a point directly east of the beginning, thence west to the aforesaid place of beginning, shall be known and designated by the name and style of Salt Lake City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style aforesaid, with perpetual succession; and shall have and use a common seal, which they may change and alter at their pleasure.

Jan. 18, 1867.

§ 305. The boundaries of Salt Lake City are hereby extended as follows: Commencing at the northwest corner of Salt Lake City corporation limits, thence west three hundred and twenty rods, thence due south to a point opposite the southern boundary of the corporation line of Salt Lake City, thence east to the river Jordan; thence northerly down the west bank of said river Jordan to a point west of the south line of Tenth South street, thence east along said south line to the east line of the corporate limits; and the boundary lines of the city corporation of Salt Lake City are hereby established in accordance with the provisions of this act.

Feb. 15, 1872.

Powers of
corporation.

§ 306. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive, hold, sell, lease, convey and dispose of property real and personal for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and do all other things in relation thereto as natural persons.

City to be
divided into
wards.

§ 307. s 3. Said city shall be divided into five municipal wards, whose boundaries shall be as prescribed by the city ordinance.

Council to be
composed of
mayor, five
aldermen,
nine council-
ors.

§ 308. s 4. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, five aldermen, one from each ward, and nine councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors are elected and qualified.

§ 309. s 5. An election shall be held on the second Monday of February next, and every two years thereafter on said day, at which there shall be elected one mayor, five aldermen, nine councilors, one marshal, one treasurer and one recorder; and the persons respectively receiving the highest number of votes cast in the city for said offices shall be declared elected. When two or more candidates for an elective office shall have an equal number of votes for the same office, the election shall be determined by the city council.

§ 310. s 6. The first election under this act shall be conducted in the following manner, to-wit: The county clerk of Salt Lake county shall cause notice of the time and place, and the number and kind of officers to be chosen, to be advertised in some newspaper of said city, or posted up in five public places therein, at least ten days previous to said election. Three judges shall be selected by the probate judge of Salt Lake county, at least one week previous to the day of election; said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation for the faithful discharge thereof. At the first election so held, the polls shall be opened at eight o'clock a. m., and shall close at six o'clock p. m. At the close of the election the judges shall seal up the ballot box and the list of the names of the electors, and transmit the same, within two days, to the county clerk of Salt Lake county. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them, and furnish, within five days, to each person having the highest number of votes, a certificate of his election.

§ 311. s 7. The manner of conducting and voting at all subsequent elections to be held under this act, and contesting the same, the keeping of the poll lists, canvassing the votes, and certifying the returns, and all other things relating thereto, shall be as provided by city ordinance.

§ 312. s 8. There shall be appointed an auditor of public accounts, a supervisor of streets, a surveyor, an attorney, a board of school inspectors, a sealer of weights and measures, a sexton or keeper of burial grounds, a chief of police, inspectors, measurers and weighers, and such other officers and agents as the city council may from time to time direct and appoint.

Officers, how
removed.

§ 313. s 9. Every person elected or appointed to any office under the provisions of this act may be removed from such office by a vote of two-thirds of the city council; and no officer shall be removed except for cause, nor unless furnished with the charges; and shall have an opportunity of being heard in his defense; and the council shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer such charges, then the council may declare the office vacant. All officers appointed by the council may be removed at any time by vote, at discretion of two-thirds of said council; and any officer may be suspended until the disposition of charges preferred against him.

Vacancies,
how filled.

§ 314. s 10. Whenever any vacancy shall happen by the death, resignation or removal of any officer, such vacancy may be filled by the city council; and every person elected or appointed to an elective, judicial or administrative office, shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of this city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and file the same, duly certified by the officer before whom it was taken, with the city recorder.

Illegal voting,
punishment
for.

§ 315. s 11. Any person or persons illegally voting at any election under this act, shall be punishable according to law regulating general elections.

Mayor's
special oath.

§ 316. s 12. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require; and shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city.

Mayor and
aldermen con-
servators of
the peace,
power and
duties of.

§ 317. s 13. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace; and, when so qualified, shall possess the same power and

jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city by the Governor. They shall account for and pay over to the city treasurer, within three months, all fines and forfeitures received by them in their judicial capacity; and they shall each keep a docket, subject at all times to the inspection of the city council and all other parties interested.

§ 318. s 14. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the city, and issue such process as may be necessary to carry such ordinances into execution and effect.

Mayor and aldermen, jurisdiction of.

§ 319. s 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council and all their proceedings in a corporate capacity; which record shall at all times be open to the inspection of the electors of the city and all other parties interested. He shall have and keep a plat of all surveys within the city, and record all deeds, transfers or other instruments of writing that may be presented to him for that purpose; and he is hereby authorized to take the acknowledgment of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by the city ordinance.

Recorder's duties.

§ 320. s 16. The marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace. All process issued by the mayor or aldermen shall be directed to the marshal or his deputy; and in the execution thereof he shall be governed by such rules and regulations as may be provided by city ordinance, and shall be the principal ministerial officer.

Marshal's duties.

§ 321. s 17. The treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all moneys that may come to his hand, by virtue of his office, upon orders signed by the auditor of public accounts, and shall report to the city council a true account of his receipts and disbursements, as they may require.

Process, how directed and executed.

Treasurer's duties.

§ 322. s 18. The city council, a majority of whom shall form a quorum to transact business, shall meet at such times and places as they may direct; and the mayor, when present, shall preside at said meetings and have a casting vote. In the absence

Council meetings; mayor to preside.

of the mayor, any alderman present may be appointed to preside, in such manner as shall be provided by the city council.

Council meetings; special and stated.

§ 323. s 19. The city council shall hold stated meetings, and the mayor or any two aldermen may call special meetings, by notice to each of the members of said council, served personally or left at their usual place of abode. Said council shall determine the rules of its own proceedings, and be judge of the election and qualification of its own members.

Council to manage finances and property.

§ 324. s 20. The city council shall have the management and control of the finances and property, real, personal and mixed, belonging to the corporation.

Powers of council.

§ 325. s 21. The city council is hereby empowered within the jurisdiction of the city, by ordinance and enforcement thereof, to prevent, punish or prohibit every kind of fraudulent device and practice; all descriptions of gaming, playing at dice, cards or other games of chance, with or without betting. (1)

§ 326. s 22. To license, tax, regulate, suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys, or tables and ball alleys; suppress or restrain bawdy and other disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming; to prevent any riot, noise, disturbance or disorderly assemblage; and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 327. s 23. To regulate the selling or giving away of any ardent spirits or other intoxicating liquors by any storekeeper, grocer or other trader, to be drunk in any shop, store, grocery, outhouse, yard, garden or other place within the city, except by persons or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

§ 328. s 24. To license, regulate or restrain the manufacturers, sellers or vendors of spirituous and fermented liquors, tavern keepers, dram or tippling shop keepers, grocers and keepers of ordinaries, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous or fermented.

(1) See post §§ 389, 397-399, 40 -404.

§ 329. s 25. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances and all other exhibitions and amusements.

§ 330. s 26. To prevent or regulate the rolling of hoops, playing at ball, flying of kites or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses.

§ 331. s 27. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals; to compel persons to put up posts in front of their lots to fasten their horses or other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, while standing or remaining in the street.

§ 332. s 28. To prevent the encumbering of the streets or sidewalks, lanes, alleys, and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobies or any material or substance whatever.

§ 333. s 29. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to authorize the distraining, impounding or sale of the same, for the penalty and costs incurred thereby; and to impose penalties for any violation of city ordinance in relation thereto; and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large, contrary to city ordinance.

§ 334. s 30. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 335. s 31. To direct the location and management of and regulate breweries and tanneries; and to direct the location, management and construction of, and restrain or prohibit within the city, distilleries, slaughtering establishments and establishments for steaming and rendering lard, oil, tallow, offal and such other substances as can or may be rendered; and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 336. s 32. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin or other combustibles and dangerous materials within the city, and to regulate the keeping and conveying of gunpowder, and the use of candles and lights in barns, stables or outhouses.

§ 337. s 33. To compel persons to keep the snow and ice from the sidewalks in front of the premises owned or occupied by them on East Temple street, from the Temple block south to the intersection of Second South street.

§ 338. s 34. To abate or remove nuisances, and punish the authors thereof, by penalties of fine and imprisonment; and to define and declare what are nuisances, and authorize and direct the summary abatement thereof; and to abate all nuisances which are or may be injurious to the public health, peace or good order.

§ 339. s 35. To prevent any person from bringing, depositing or having within the limits of the city any dead carcass or any other unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substances, or any putrid or unsound beef, pork, or fish, hides or skins of any kind; and on his default, to authorize the removal or destruction by any officer of said city.

§ 340. s 36. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, sidewalks or crosswalks; and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein; and prevent the encumbering of the streets in any manner, and protect the same from any encroachment and injury.

§ 341. s 37. To lay out, improve and regulate the public grounds belonging to the city; to direct and regulate the planting and preserving of trees in the streets and public grounds; and to regulate the fencing of lots within the bounds of the city.

§ 342. s 38. To prevent the ringing of bells, blowing of horns and bugles, crying of goods and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers and others, for the purpose of business, amusement or otherwise.

§ 343. s 39. To regulate and determine the times and places of bathing and swimming in the river or other waters

in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

§ 344. s 40. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws and enforce the same within the city and around it, not exceeding twelve miles next beyond the bounds thereof.

§ 345. s 41. To grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor. Bonds may be taken, on the granting of licenses, for the due observance of the ordinances or regulations of the city council.

§ 346. s 42. To license, tax and regulate merchants and retailers, auctioneers, distillers, brewers, brokers, pawnbrokers and money changers, and to impose duties upon the sale of goods at auction.

§ 347. s 43. To license, tax, regulate or suppress hawkers and peddlers.

§ 348. s 44. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meat and vegetables, in the city; and restrain and punish the forestalling of poultry, fruit and eggs.

§ 349. s 45. To establish and regulate markets and other public buildings, and provide for their erection, determine their location, and authorize their erection in the streets, avenues, or any other public place or places in the city, and not exceeding four miles beyond the bounds thereof.

§ 350. s 46. To provide for taking the enumeration of the inhabitants of the city; to regulate the burial of the dead, and registration of births and deaths, to direct the returning and keeping of bills of mortality; and to impose penalties on physicians, sextons and others for any default in the premises.

—s 47. To appoint watchmen and policemen, and prescribe their duties and powers.

§ 351. s 48. To regulate the measuring and inspection of lumber, shingles, timber, posts, staves and heading, and all building materials and all kinds of mechanical work; and appoint one or more inspectors therefor.

§ 352. s 49. To regulate the weighing and place and manner of selling hay.

§ 353. s 50. To regulate the inspection of tobacco, also of flour, meal, pork, beef, and other provisions, and salt to be sold in barrels, hogsheads and other packages.

§ 354. s 51. To regulate the measuring of wood and weighing of coal, and the place and manner of selling the same.

§ 355. s 52. To regulate the inspection of whisky and other liquors to be sold in barrels, hogsheads or other vessels.

§ 356. s 53. To appoint inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

§ 357. s 54. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; the standard of which weights and measures shall be conformable to those established by law.

§ 358. s 55. To establish, make and regulate public pumps, wells, cisterns, hydrants and reservoirs; to distribute, control and so regulate the waters flowing into the city throughout such channels as may be most advantageous, and to prevent the unnecessary waste of water.

§ 359. s 56. To erect street lamps and regulate the lighting thereof; and from time to time create, alter and extend lamp districts.

§ 360. s 57. To establish and regulate public pounds.

§ 361. s 58. To regulate and license ferries.

§ 362. s 59. To authorize the taking up and providing for the safe keeping and education, for such periods of time as may be expedient, of all children who are destitute of all proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

§ 363. s 60. To borrow money on the credit of the city: *Provided*, that the interest on the aggregate of all the sum borrowed and outstanding, shall not exceed one-fourth of the city revenue arising from taxes assessed within the corporation during the preceding year.

§ 364. s 61. The city council shall have power to make,

publish, ordain, amend and repeal all such ordinances, by-laws, or police regulations, not contrary to the Constitution of the United States and the laws of this Territory, for the good government and order of the city, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of said city by this act; and enforce observance of all rules, ordinances, resolutions, by-laws and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offence against the same.

§ 365. s 62. The city council shall have power within the city, by ordinance, to annually levy and collect taxes on the assessed value of all real and personal estate or property in the city, made taxable by the laws of the Territory, for the following named purposes, to-wit: Not to exceed five mills on the dollar to defray the contingent expenses of the city, not to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. Not to exceed one and a quarter mills on the dollar to control the waters of said city; and they shall annually apportion and apply said taxes as shall in their judgment be deemed most expedient. The taxes thus levied shall attach to and constitute a lien on the property assessed from the day of assessment until paid.

Amended Feb.
20, 1880.

§ 366. s 63. When the city council shall deem it expedient for any especial purpose to borrow money, the interest on which shall not exceed one-fourth of the city revenue arising from taxes of the preceding year, the amount of taxes shall not be increased.

§ 367. s 64. To require, and it is hereby made the duty of every male resident of the city, over the age of twenty-one and under the age of fifty years, to labor one day in each year upon the streets; but every person may at his option pay one dollar and fifty cents for the day he shall be so bound to labor: *Provided*, it be paid within five days from the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

§ 368. s 65. The city council shall have power by ordinance to regulate the form of assessment rolls, and prescribe the duties and define the powers of assessors and collectors. The annual assessment rolls shall be returned by the assessor

Amended Feb.
20, 1880.

Assessment roll, when returned; council to hear objections to.

on or before the first Tuesday of July in each year; but the time may be extended or additions made thereto by order of the city council. On the return thereof the city council shall fix a day for hearing objections thereto, and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council; and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

Collector to be furnished tax list; taxes collected, how

§ 369. s 66. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of the taxes to be collected; and if not paid, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, or by distress and sale of any property belonging to persons so indebted. The assessor's roll shall in all cases be evidence on the part of the corporation.

Taxes general and special, how collected.

§ 370. s 67. All taxes and assessments, general and special, shall be collected by the collector or collectors in the same manner and with the same power and authority as are given by the law to collectors of county and Territorial taxes: *Provided*, the council shall have power to prescribe by city ordinance the powers, duties and liabilities of assessors and collectors.

Powers of council

§ 371. s 68. The city council shall have power to make, ordain and establish all such general regulations for the prevention and extinguishment of fires, fixing of chimneys, flues and stove pipes, as they may deem expedient; to procure fire engines and other apparatus used for the extinguishment of the same, and have the charge and control of and provide, fit up and secure engine houses and other places for the keeping and preserving the same; to organize fire, hose and ladder companies, appoint foremen therefor and prescribe their duties, and make rules and regulations for their government, and to impose reasonable fines and forfeitures for a violation of the same.

§ 372. s 69. The city council shall have power to provide for the election of trustees; to appoint a board of school inspectors and to prescribe the powers and duties of the same,

and to enact such ordinances as may be necessary to carry their duties and powers into effect.

§ 373. s 70. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

§ 374. s 71. All ordinances passed by the city council shall within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

§ 375. s 72. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book form, purporting to be printed or published by the authority of the city council, the same shall be received in evidence in all courts or places without further proof.

§ 376. s 73. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein provided; and prescribe the duties and powers of all officers appointed or elected under this act, whose duties herein are not specifically mentioned, and arrange the fees and fix the compensation of all officers, jurors, witnesses and others. They may also require bonds to be given to Salt Lake City by all officers, for the faithful performance of their duties.

§ 377. s 74. All persons appointed under this act to the office of attorney, auditor of public accounts, surveyor or street commissioner, shall be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the city council and recorder.

Officer failing
to deliver
papers, etc., to
successor,
penalty.

§ 378. s 75. If any person, having been an officer in Salt Lake City, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession, belonging to said city or appertaining to the office he held, he shall forfeit and pay for the use of the city not exceeding one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Property, how
taken for
streets.

§ 379. s 76. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 380. s 77. All jurors empaneled to enquire into the amounts of benefit or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor or presiding officer of the city council their inquest in writing, signed by each juror.

Cemetery lots
exempt.

§ 381. s 78. The cemetery lots which have or may hereafter be laid out and sold by said city for private places of burial shall, with their appurtenances, forever be exempt from execution or attachment.

Saving clauses

§ 382. s 79. All ordinances, resolutions and regulations now in force in Salt Lake City, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

§ 383. s 80. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the ordinance incorporating Salt Lake City, shall be vested in and prosecuted by the corporation hereby created.

§ 384. s 81. All plots and surveys of lands, lots or other places within said city, heretofore surveyed by the surveyor, and all plots and surveys of lands, lots or other places that may be hereafter surveyed, and all certificates of surveys given by him shall be deemed valid by this act.

§ 385. s 82. All property, real, personal or mixed, now belonging to Salt Lake City, is hereby vested in the corpora-

tion created by this act; and the officers of said corporation now in office shall respectively continue in the same, until superceded in conformity to the provisions hereof, but shall be governed by this act, which shall be in force from and after its passage.

§ 383. s 83. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places. This a public act.

§ 384. s 84. This act shall not invalidate any act done by the present city council of Salt Lake City, or by its officers, nor divest their successors under this act of any rights, property or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act. Saving clause.

§ 385. s 85. All officers of the city, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace; commit for examination, and, if necessary, detain such person in custody forty-eight hours in the city prison or other safe place; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe. Conservators of the peace, powers of.

§ 386. s 86. Nothing in this act shall be so construed as to deprive the present city council of Salt Lake City of any power or authority conferred upon them by the ordinance incorporating said city, and the act amendatory thereto; but said city council shall possess, exercise and enjoy all the powers and authority heretofore conferred upon them, except so far as such powers and authority have been expressly modified or repealed by this act, until said city council are superseded by the election and qualification of their successors under this act. Old council to continue with authority until successors elected.

§ 387. s 87. That "An ordinance to incorporate Salt Lake City," approved Jan. 19, 1851, be and is hereby repealed; and "An act in relation to the assessment, collection and expenditure of a tax for road and other purposes within incorporated cities," approved June 4, 1853, so far as the same applies to Salt Lake City, be and is hereby repealed. Repealing clause.

§ 388. s 88. The city council shall publish, in at least one newspaper, published in Salt Lake City, a quarterly statement of the amount of city revenue, specifying in said statement from whence derived and for what disbursed. Council to publish financial statement.

§ 389. s 1. That the city council of Salt Lake City shall

Jan. 14, 1865.
Powers of
council.

have power and authority to license, tax and regulate livery stables.

2. To license, tax and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen and all others who may pursue like occupations, with or without vehicles, and prescribe their compensation.

3. To establish, erect and control hospitals, infirmaries and medical colleges; to purchase grounds for their erection and improve and adorn the same; and license, control and regulate physicians and surgeons.

4. To purchase and improve suitable grounds for a house of correction; to erect buildings thereon and adopt such rules and regulations for the government and punishment of offenders therein, as said council may from time to time deem expedient.

5. To direct and control the location of railroad tracks and depot grounds within the city and regulate or prohibit the use of locomotive engines thereon, and may require the cars to be used within the inhabited portions thereof to be drawn or propelled by other power than that of steam.

6. To regulate and control the location of gas works, canals, telegraph poles, and all improvements of similar nature.

Council may
levy tax on
real estate for
special pur-
poses.
Jan. 14, 1865.

§ 390. s 2. The city council shall have power to levy and collect on real estate (or land claims and improvements thereon) in any district or division benefitted, within the limits of said city, a sufficient tax to defray the expense of leveling, paving, macadamizing, or planking and opening and keeping in repair the streets and sidewalks, of constructing sewers and drains, and keeping the same in repair, and of erecting lamps and lighting the streets in such respective districts or divisions: *Provided*, The money thus raised shall be exclusively expended for such purpose in the district where such taxes are assessed, and by such person or persons as the city council may appoint. The amount to be assessed for any such improvement shall be determined by the city council, who shall appoint three commissioners, reputable citizens, to make such assessment, who shall be sworn to faithfully and impartially execute their duties.

Commission-
ers to be
appointed.

§ 391. Before entering on their duties the commissioners shall give six days' notice of the time and place of meeting, to all persons interested. The commissioners shall assess the

amount directed by the city council on the real estate (or land claims and improvements) by them deemed benefitted by any such improvement, in proportion to the benefit resulting thereto.

§ 392. When the commissioners shall have completed their assessment and made a correct copy thereof, they shall deliver the same to the city recorder within thirty days after their appointment, signed by all the commissioners.

§ 393. The city recorder shall cause a notice to be published to all persons interested, of the completion of the assessment, and the time and place shall be designated therein when the city council shall hear appeals and objections and correct or confirm said assessment.

§ 394. When the said assessment shall have been completed, the city recorder shall, within ten days thereafter, make a correct tax list, which shall be delivered to the collector or any authorized agent appointed by the city council, who shall collect said taxes within such time as may be prescribed by said council.

§ 395. If any assessment is set aside by order of any court, the city council may cause a new one to be made in like manner for the same purpose, for the collection of the amount so assessed.

§ 396. If the first assessment prove insufficient, another may be made in the same manner, or, if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

§ 397. s 1. The city council of Salt Lake City is hereby empowered by ordinance and enforcement thereof, to license, tax, and regulate the manufacturing, selling, giving away or in other manner disposing of spirituous, vinous or malt liquors, and the persons who engage therein; to restrain, prohibit, and punish the manufacturing, selling, giving away, or in any other manner disposing of spirituous, vinous or malt liquors, without a license therefor, or contrary to the terms of a license granted to exercise said powers, conjointly or separately; to prohibit the selling, giving away, or in any manner disposing of spirituous, vinous, or malt liquors upon Sundays, public holidays and election days; to adopt and employ proper and convenient means for carrying the same into effect; to have the power to require the payment in advance, into the city treasury, for purposes of revenue for

each and every license granted for the manufacturing, selling, or otherwise disposing of such liquors, a sum not exceeding at the rate of twelve hundred dollars per annum.

Powers of
council.
March 13, 1884.

§ 398. s 1 The city council of Salt Lake City be and is hereby authorized and empowered by ordinance and the enforcement thereof:

1. To license, tax, and regulate the use of billiard or pool tables, and prohibit the use of all kinds of tables in any public place in the city on which the gaming for money or the representation thereof is allowed, and to punish the owners and keepers of said tables for the violation of any ordinance of the city.

2. To license, tax, and regulate the use of nine or ten pin alleys and all kinds of ball and pin alleys and the runways thereof in any public place in said city, in or on which games are played; and to punish the owners and keepers of such alleys and runways to be used for the playing of games therein and thereon contrary to any ordinance of said city, licensing or regulating their use for such purposes, and the playing of all games on such tables and in such alleys and on the runways of such alleys, shall be deemed to be by and with the consent and permission of the owners and keepers thereof; *Provided*, That the fee for such license shall in no case exceed fifty dollars per annum for each of such tables, nor fifty dollars for each runway of such alleys, nor be less than twenty-five dollars per annum for each table and runway as aforesaid.

§ 399. s 2. To prohibit the playing of any game for money or other property or thing representing money or other property; and to punish all persons who shall play at any game for money or other property or thing representing money or other property.

Mayor's power
to appoint
police
March 13, 1884.

§ 400. s 3. The mayor of Salt Lake City shall have power to appoint, by and with the advice and consent of the city council, the regular police of said city to the number which may from time to time be prescribed by the city council, and to remove the same at pleasure. He shall also have power to appoint special police, when, in his judgment the public good may require such action; *Provided*, That such special police shall not be appointed for a longer period than ten days without the consent of the city council.

§ 401. s 4. To prohibit the employment of any female to serve in the selling, giving away or other disposition or

delivery of spirituous, vinous and malt liquors in any saloon or place in said city in which such liquors or any of them are so disposed of or delivered to be drunk on the premises where so sold or otherwise disposed of, and to punish any female so employed and serving, and all persons by whom such females are employed.

§ 402. s 1. Sections 60 and 63 of an act entitled "An Act incorporating Salt Lake City," approved January 20th, 1860, are hereby so amended that the city council thereof, in addition to the powers therein conferred, may, for the purpose of procuring money wherewith to construct a canal and other works, by means of which to supply the inhabitants of said city with water, borrow money to an amount not to exceed the sum of \$250,000, either by the issue of coupon bonds or other negotiable securities, as said council shall deem most conducive to the interests of said city, although the interest on the money thus obtained, together with that upon the aggregate of all the sums borrowed by said city and outstanding may exceed one-fourth of the city revenue arising from taxes assessed within the corporation during the year next preceding the date of making such loan or the issuing of said bonds or other securities: *Provided*, Such indebtedness, bonded or otherwise, shall not be incurred unless at a special election called for that purpose, by resolution of the city council, after fifteen days' public notice, stating distinctly the purpose and object for which such indebtedness shall be incurred, the registered voters of said city, as registered for the regular municipal election next preceding said special election, by at least a two-thirds majority vote cast at such election, shall determine in favor of incurring such indebtedness. Nor shall the city council sell the bonds of said city below the par value thereof, nor issue bonds or other negotiable securities for a period of time exceeding fifteen years. The city council may provide by ordinance for holding special elections in said city, and the manner in which they shall be conducted and the returns and canvass of votes thereof made.

Powers of council.
March 13, 1884.

Sections 60 and 63 of Salt Lake City Charter amended.
Feb. 20, 1880.

City council given authority to borrow money.

Special election to be called.

Two-thirds vote necessary

City council may provide for special elections.

§ 403. s 2. The city council of said city shall set apart every six months, out of the revenue of said city, a sum not less than one-fifth of the entire revenue thereof, as determined by the amount of revenue collected during the preceding six months, as a sinking fund for the payment of the

Sinking fund provided for.

interest and principal of the indebtedness hereinbefore authorized, as the same shall become due. Said sinking fund to be held and payments therefrom made in such manner as the city council may by resolution provide.

City council
may provide
for repair of
sidewalks, etc.

§ 404. s 3. The city council for said city is hereby empowered to provide by ordinance and enforcement thereof:

1. To compel the inhabitants thereof to keep the sidewalks in their premises free from stones, snow, ice, overhanging branches of trees and other obstructions, and to keep such sidewalks in repair.

May regulate
use of opium.

2. To regulate, control or prohibit the smoking of opium or inhaling of the fumes thereof, the sale of opium for such purposes, and to suppress opium smoking houses.

May take
property for
public use.

3. That private property may be taken for the opening, widening or altering of any public canal or water ditch, in the same manner as provided in sections 76 and 77 of the before named act incorporating said city, for taking private property for opening, widening or altering any public street, lane, avenue or alley.

Deputy re-
corder to be
appointed.

4. To authorize the recorder of said city to appoint a deputy and to define his duties.

This and fol-
lowing sec-
tions enacted,
Feb. 20, 1880.

Corporation
given power to
construct
canals, etc.

§ 405. s 1. The corporation of Salt Lake City is hereby empowered to supply its inhabitants with water, and for that purpose to construct and maintain such canals, ditches, flumes, dams, reservoirs and other means for procuring, diverting and conveying water as may be necessary, although the same may be or extend beyond the corporate limits of said city.

Proceedings
to secure right
of way.

§ 406. s 2. Whenever said city shall not have acquired, by gift or purchase, any land, real estate, or claim necessary for the construction or maintenance of such canal, ditch, flume, reservoir or dam, or other means of storing, diverting and conveying water, or which may be affected by any operations connected with the construction or maintenance of the same, the said corporation may present to the judge of the district court or the judicial district wherein such lands, real estate or claims shall be situated, a petition signed by the mayor, attorney or agent of the same, describing with convenient accuracy and certainty, by maps or otherwise, the lands, real estate or claims so required to be taken or affected, as aforesaid, setting forth the purpose for which

Application to
be made to
district court.

said land is required, the name and residence of each owner or other person interested therein as owner, lessee or incumbrancer, as far as known, to such mayor, attorney or agent, or appearing of record upon local or county record, and paying the appointment of three appraisers to ascertain the compensation to be made to such owner and person interested, for the taking or injuriously affecting such land, real estate or claims as aforesaid. Appraisers to be appointed.

§ 407. s 3. The said judge shall have satisfactory evidence that notice of an intended application, and the time and place thereof, for the appointment of appraisers between said corporation and the owners and the persons interested in such lands, real estate and claims, has been given, at least ten days previously, to such owners, personally or at their residence, or on the premises, or by the publication thereof in a newspaper having general circulation in the district in which such lands, real estate or claims shall be situated, such publication to be allowed only in respect to owners or persons interested, who shall appear by affidavit to have no residence in the county known to such mayor, attorney or agent, which notice shall be published at least thirty days prior to the time fixed for the application aforesaid. Ten days' notice to be given. The court may adjourn the proceedings from time to time; shall direct any future notice thereof to be given that may seem proper; shall have proofs and allegations of all parties interested, touching the regularity of the proceedings, and shall, Notice to be published. by an entry in its minutes, appoint three disinterested appraisers, as aforesaid, specifying in such entry a time and place for the first meeting of such appraisers. Court to hear parties interested.

§ 408. s 4. The said appraisers, before entering upon the duties of their offices, shall take an oath to faithfully and impartially discharge their duties as said appraisers, and any one of them may administer oaths to witnesses produced before them; they may issue subpoenas, and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose, and shall give reasonable previous notice to such owners or parties, interested. Appraisers to take oath. They shall hear the proofs and allegations of the parties, and any two of them, after reviewing the premises, shall, without fear, favor, or partiality, ascertain and certify the compensation proper to be made to said parties or owners interested, for the lands, real estate or claims, to be taken or affected, as well as all May administer oaths and issue subpoenas, and compel witnesses to testify

Duties of the appraisers.

damages accruing to the owners or parties interested in consequence of the condemnation of the same, taking or injuriously affecting as aforesaid, making such deduction or allowances for the real benefits or advantages which such owners, or parties interested, may derive from the construction of such canal, ditch, flume, dam, or reservoir, or other means of diverting or conveying water. They, or a majority of them, shall make, subscribe and file in the office of the clerk of the district court of the district in which such lands, real estate, or claims, shall lie, a certificate of the said ascertainment and assessment, in which such lands, real estate or claims, shall be described with convenient certainty and accuracy.

Must file a certificate of assessment, etc.

The court to enter upon its minutes a rule describing said lands, etc.

§ 409. s 5. The said judge, upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties with the clerk of the court, or other place for that purpose, approved by the court, shall make and cause to be entered in its minutes, a rule describing such lands, real estate or claims, in manner aforesaid, such ascertainment of compensation, with mode of making it and each payment or deposit of the compensation as aforesaid, a certified copy of which shall be recorded and indexed in the recorder's office of the proper county, in like manner and with like effect as if it were a deed of conveyance from the said owners, and parties interested to the said corporation. Upon the entry of each rule the said corporation shall have exclusive right, title and possession of all such lands, real estate or claims described in said rule, as required to be taken as aforesaid, and may take possession of, and hold and use the same, for the purpose of such canal, ditch, flume, dam or reservoir, or other means of storing, diverting and conveying water, and shall thereupon be discharged from all claims for any damage by reason of any matter specified in such petition, certificate or rule of said district court.

One copy to be recorded.

The corporation may perfect its title to land, etc.

§ 410. s 6. If at any time after an attempted or actual ascertainment of compensation under this act, or any purchase by or donation to said corporation of lands or claims for purposes aforesaid, it shall appear that the title acquired thereby to all or any part of such land, for the use of said corporation, or if said assessment shall fail or be deemed defective, the said corporation shall proceed and perfect such title by procuring an assessment of the compensation proper

to be made to any person who has title, claim or interest in, or lien upon such lands and by making payment thereof in the manner hereinafter provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this act, the said judge may, by rule in that behalf made, authorize the said corporation if already in possession; and if not in possession, to take possession of and use said premises during the pendency, and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporations on account thereof: *Provided*, said corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf when ascertained, and in every case when possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the corporation. The said appraisers shall receive five dollars per day, as compensation for each day actually employed, such compensation to be taxed and allowed by the said judge. If any appraiser so appointed shall die, be unable or fail to serve, the court may appoint another in his place, on reasonable notice, or the parties by written agreement may appoint another, to be approved by the said judge.

Compensation
of appraisers,
vacancies, how
filled.

LOGAN CITY.

SECTION.	SECTION.
411 Boundaries; corporation formed; seal.	423 Justices of the peace, jurisdiction, powers and duties of.
412 Corporation, powers of.	424 Process, how executed.
413 Council composed of mayor, aldermen and councilors.	425 Recorder's duties.
414 Elections, when held.	426 Treasurer's duties.
415 First election, how conducted.	427-430 Powers of council.
416 Subsequent elections, how conducted.	431 Assessment roll, when returned; council may hear objections to.
417 Council may make rules; mayor to preside.	432 Collector to be furnished with list of taxes.
418 Meetings of council.	433-469 Powers of council.
419 Council to appoint certain officers.	470 Ordinances must be published.
420 Elective officers may be removed for cause.	471 Ordinances, how proven.
421 Vacancies, how filled; officers to qualify.	472-473 Property, how taken for streets.
422 Council to divide city into wards.	474 Conservators of the peace, powers of.
	475 Financial statement.

Jan. 17, 1866.
Boundaries.
Amended
March 11, 1886.

§ 411. s 1. All that district of country embraced in the following boundaries in Cache county, to-wit: Beginning at a point on the south bank of Logan river, thirty chains east of the west line of section 36, in township twelve, north of range one east of the Salt Lake meridian, and running thence north to the north line of said section 36; thence east to the north-east corner of the north-west quarter of said section 36; thence north on quarter-section line one mile to the north boundary of section 25; thence west on section line four and one-half miles to the north-west corner of section 29; thence south to the south bank of the south fork of Logan river; thence up the south bank of the said south fork of Logan river, and the south bank of Logan river to the place of beginning, shall be known and designated under the name and style of Logan City, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Corporation
formed, seal.

Corporation,
powers of.

§ 412. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in

all courts of law and equity; and in all actions whatsoever; to purchase, receive, hold, sell, lease, convey and dispose of property real and personal for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 413. s 3. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, three aldermen, one from each ward, and five councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified.

Council composed of mayor, aldermen and councilors.

§ 414. s 4. An election shall be held on the first Monday of March next, and every two years thereafter, on said day, at which there shall be elected one mayor, three aldermen, and five councilors, and two justices of the peace; and the persons respectively receiving the highest number of votes cast in the city, for said offices, shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the city council.

Elections, when held.

§ 415. s 5. The first election under this act shall be conducted in the following manner, to-wit: The county clerk of Cache county shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the probate judge of Cache county, at least one week previous to the day of election. Said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation before the county court for the faithful performance of said duties. The poll shall be open at eight o'clock a. m., and shall close at six o'clock p. m. At the close of the election the judges shall seal up the ballot box and the list of the names of the electors and transmit the same, within two days from the time of holding such election, to the county clerk of Cache county. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them, and furnish within five days, to each person having the highest number of votes, a certificate of his

First election how conducted

election. In case of a tie, it shall be decided by lot drawn by the county clerk in presence of the probate judge.

Subsequent elections, how conducted.

§ 416. s 6. All subsequent elections held under this act shall be held, conducted and the returns thereof made as may be provided for by ordinance of the city council.

Council may make rules, mayor to preside.

§ 417. s 7. The city council shall be judge of the qualifications, elections and returns of their own members; and a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; the mayor shall preside when present, and have a casting vote; and in the absence of the mayor, any alderman present may be appointed to preside over said meeting.

Meetings of council.

§ 418. s 8. The city council may hold stated meetings, and special meetings may be called by the mayor, or any two aldermen by notice to each of the members of said council, served personally or left at their usual place of abode.

Council to appoint certain officers.

§ 419. s 9. The city council shall have power to appoint a recorder (1) (who shall be the auditor of public accounts), treasurer, assessor and collector, supervisor of streets, surveyor, an attorney, a sexton, a sealer of weights and measures, and all such other officers as may be necessary; define their duties, remove them from office at pleasure, and fix and establish the fees of all city officers.

Elective officers may be removed.

§ 420. s 10. All officers elected in accordance with the fourth section [§ 414] of this act may be removed for cause from such office by a vote of two-thirds of the city council, and shall be furnished with the charges, and have an opportunity to be heard in their defense, and the council shall have power to compel the attendance of witnesses, and the production of papers when necessary.

Vacancies, how filled.

§ 421. s 11. When any vacancy shall happen by the death, resignation or removal of any officer, such vacancy may be filled by the city council, and every person elected or appointed to any office under this act shall, before he enters upon the duties thereof take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of the

Officers to qualify.

(1) Made elective. See § 293.

city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and he shall be required to give bonds as shall be prescribed by the city ordinances, which oath and bond shall be filed with the city recorder.

§ 422. s 12. The city council shall have power to divide the city into wards, and specify the boundaries thereof, and when necessary create additional wards, and add to the number of aldermen and councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said city.

Council to divide city into wards.

§ 423. s 13. The justices of the peace shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace, and when so qualified shall possess the same powers and jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for the said city, by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the city treasury, and all fines and forfeitures arising under the laws of the Territory into the county treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city. Appeals may be had from any decision or judgment of a justice's court in the same manner as are or may be provided by statute for appeals from justices' courts, and they shall account for, and pay over to the city treasurer within three months all fines and forfeitures received by them, by virtue of their office, and they shall keep a docket subject at all times to the inspection of the city council and all other parties interested.

Justices of the peace jurisdiction, powers and duties of.

§ 424. s 14. All process issued by the justices of the peace shall be directed to the marshal, or other legal officer, and in execution thereof, he shall be governed by such rules and regulations as may be provided by city ordinance.

Process, how executed.

§ 425. s 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of the city, and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city, and he is hereby

Recorder's duties.

authorized to take the acknowledgments of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by the city ordinance.

Treasurer's
duties.

§ 426. s 16. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all funds that may come to his hand, by virtue of his office, upon orders signed by the auditor of public accounts: and shall report to the city council a true account of his receipts and disbursements, as they may require.

Powers of
council.

§ 427. s 17. The city council shall have power, within the city, by ordinance to annually levy and collect taxes on the assessed value of all property in the city made taxable by the laws of the Territory, for the following named purposes, to-wit: not to exceed five mills on the dollar for contingent expenses, nor to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. The city council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes and for furnishing the city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, control the water courses leading thereto.

§ 428. s 18. The city council shall have the management and control of the finances and property of said city.

§ 429. s 19. To require and it is hereby made the duty of every able-bodied male resident of the city, over the age of eighteen and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay two dollars for the day he shall be so bound to labor: *Provided*, it be paid within five days from the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

§ 430. s 20. The council shall have power to borrow money for city purposes, the interest of which shall not exceed one-fourth of the city revenue arising from taxes of the previous year.

Assessment
roll, when
returned.

§ 431. s 21. The city council shall have power by ordinance to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or

before the first Monday of June in each year, but the time may be extended or additions made thereto by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

§ 432. s 22. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of taxes to be collected; and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

Council may hear objections.

Collector to be furnished with list of taxes.

§ 433. s 23. The city council shall have power: To appropriate and provide for the payment of the expenses and debts of the city.

Powers of council.
As amended,
March 13, 1884

§ 434. s 24. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and around it, not exceeding ten miles next beyond the boundaries thereof.

§ 435. s 25. To examine, license and regulate the practice of surgeons and physicians; to prohibit, prevent and punish, by fine and imprisonment, the imposition of quacks and other medical pretenders; to establish hospitals and infirmaries, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and prevent and remove the same.

§ 436. s 26. To provide the city with water; to dig wells, to lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires, and the convenience of the inhabitants.

§ 437. s 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin, or other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

§ 438. s 28. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, sidewalks or

cross walks, and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner and protect the same from any encroachment and injury.

§ 439. s 29. To provide for the lighting of the streets and erecting lamp posts; to erect market houses and establish markets and market places, and provide for the government and regulation thereof.

§ 440. s 30. To provide for the erection of all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

As amended,
March 13, 1884.

§ 441. s 31. The city council of said city shall have power by ordinance and enforcement thereof, to license, tax, and regulate, or to absolutely prohibit the manufacture, sale, or giving away in any quantity of spirituous, vinous fermented, or other intoxicating liquors; *Provided*, That if any person, corporation or association of persons is licensed or permitted within said city to carry on the business in whole or in part mentioned in this section, then any other person, corporation, or association of persons not prohibited by the laws of this Territory, may carry on said business in like manner and under like restrictions and regulations.

§ 442. s 32. To license, tax, and regulate auctioneers, merchants, retailers, groceries, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money exchangers.

As amended,
March 13, 1884.

§ 443. s 33. The city council of said city shall have power to license, tax, and regulate tavern and hotel keepers, boarding, victualing or coffee houses and restaurants, or the keepers thereof.

§ 444. s 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city.

§ 445. s 35. The city council of said city shall have power by ordinance and enforcement thereof, to license, tax, and regulate the business of keeping or furnishing for use billiard or pool tables, pin alleys, nine or ten pin alleys, table and ball alleys or shooting galleries; to suppress or restrain all disorderly houses, to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming or any kind of gambling; to prevent any

riot, noise, disturbance or disorderly assemblages; and to restrain and punish for vagrancy, mendicancy, begging and prostitution.

§ 446. s 36. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

§ 447. s 37. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rates of portage.

§ 448. s 38. To provide for the prevention and extinguishment of fires, to regulate the fixing of chimneys and flues thereof, and stove pipes, and to organize and establish fire companies.

§ 449. s 39. To regulate and order parapet walls and other partition fences.

§ 450. s 40. To establish standard weights and measures and regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 451. s 41. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 452. s 42. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 453. s 43. To provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky and brandy, and all other spirituous or fermented liquors.

§ 454. s 44. To regulate the weight and quality of bread sold and used in the city.

§ 455. s 45. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

§ 456. s 46. To provide for taking the enumeration of the inhabitants of the city; to regulate the burial of the dead, and registration of births and deaths; to direct the returning

and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises.

§ 457. s 47. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals, to provide for the putting up of posts in front of city lots to fasten horses and other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, whilst standing or remaining in the streets.

§ 458. s 48. To prevent the incumbering of the streets or sidewalks, lanes, alleys and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobes or any material or substance whatever.

§ 459. s 49. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 460. s 50. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 461. s 51. To direct the location and management of, and regulate breweries and tanneries; and to direct the location, management and construction of and restrain or prohibit within the city distilleries, slaughtering establishments and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 462. s 52. To prevent any person from bringing, depositing or having within the limits of the city any dead carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substance or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the removal or destruction of the same by any officer of said city.

§ 463. s 53. To direct and regulate the planting and

preserving trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

§ 464. s 54. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, performances and devices tending to disturb the peace and quiet of the city.

§ 465. s 55. To grant and issue licenses and direct the manner of issuing and registering thereof. Bonds may be taken on the granting of licenses, for the due observance of the ordinances of the city council.

§ 466. s 56. To require every merchant, retailer, trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

§ 467. s 57. The city council shall have power to make such ordinances and resolutions, not contrary to the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties not exceeding one hundred dollars or imprisonment not to exceed six months, or both.

§ 468. s 58. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinances; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution and laws of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

§ 469. s 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public

works until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Ordinances
must be pub-
lished.

§ 470. s 60. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances,
how proven.

§ 471. s 61. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book form, purporting to be printed or published by authority of the city council, the same shall be received in evidence in all courts or places without further proof.

Property, how
taken for
streets.

§ 472. s 62. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, a justice of the peace shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 473. s 63. All jurors impaneled to enquire into the amount of benefit or damage that shall happen to the owners of property so proposed to be taken shall first be sworn to that effect, and shall return to the mayor or presiding officer of the city council, their inquest in writing, signed by each juror.

Conservators
of the peace,
powers of.
As amended,
March 11, 1886.

§ 474. s 64. All officers of the city, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace; commit for examination, and, if necessary, detain such persons in custody forty-eight hours in the city prison or other safe place; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

Financial
statement.

§ 475. s 65. The fiscal year of said city shall begin on the first day of March of each year, and the city council shall cause to be published in some newspaper published in Logan City, or posted up in three public places in said city, on or before the first day of May in each year, a statement of the amount of the city revenue of the previous fiscal year, specifying in said statement whence derived and for what disbursed.

SMITHFIELD.

SECTION.	SECTION.
476 Boundaries; corporation formed; seal.	482-485 Powers of council.
477 Powers of corporation.	486 Ordinances must be published.
478 Council to consist of mayor and five councilors; two justices of the peace to be elected.	487 Ordinances, how proven.
479 Mayor and councilors to qualify.	488 Justices of the peace, powers, duties and jurisdiction of.
480 Elections.	489 Mayor, powers and duties of.
481 Persons elected to be notified; must qualify; subsequent elections.	490-502 Powers of council.
	503 Financial statement.
	504 Council to manage finances and property.
	505 Act, when to take effect.

§ 476. s 1. All that district of country embraced in the following boundaries, to-wit: Beginning at the north-east corner of the south-east quarter of section twenty-two in township thirteen north of range one east of the Salt Lake meridian in Cache county, and running thence west two miles to the north-west corner of the south-west quarter of section twenty-one, thence south two and one-fourth miles to the south-west corner of the north half of the south-west quarter of section thirty-three; thence east two miles to the south-east corner of the north half of the south-east quarter of section thirty-four; thence north two and one-fourth miles to the place of beginning, shall be known and designated under the name and style of Smithfield city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure.

Feb. 6, 1868.
Boundaries.
Amended,
March 11, 1886

Corporation
formed, seal.

§ 477. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property real and personal in said city; to purchase, receive and hold real property beyond the city for burying grounds and other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to

Powers of
corporation.

improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor and five councilors.

§ 478. s 3. There shall be a city council to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 479. s 4. The mayor and councilors, before entering upon the duties of their offices shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

Elections.

§ 480. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Cache county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election all electors within said city limits shall be entitled to vote.

Persons elected to be notified must qualify.

§ 481. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Subsequent elections.

Powers of council.

§ 482. s 7. The city council shall have authority to levy and collect taxes, for city purposes, upon all taxable

property real and personal within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same to be provided for by ordinance, not repugnant to the Constitution of the United States or to the laws of this Territory.

§ 483. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 484. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 485. 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal, or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 486. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places

Ordinances
must be pub-
lished.

in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 487. s 12. All ordinances of the city may be proven by the seal of corporation affixed thereto; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Justices of the
peace, powers,
duties and
jurisdiction of.

§ 488. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory; they shall perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace; they shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 489. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority; and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 490. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 491. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 492. s 17. The city council shall have exclusive power by ordinance to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers;

to license, tax and regulate theatrical and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

§ 493. s 18. The city council of Smithfield city be and is hereby authorized and empowered to regulate and control the water running into or through or arising in said city, used for domestic and irrigating purposes, and may regulate the use of water for manufacturing purposes, and may annually assess and collect a tax from individuals in proportion to the amount of water owned and used by each, and expend said tax in controlling, regulating and supplying said city with water, for domestic, irrigating and manufacturing purposes: *Provided*, That nothing herein contained shall be construed as to interfere with the water rights accrued by priority of appropriation.

This and two following sections passed March 11, 1886.

Powers of council.

§ 494. s 19. To direct and control the location of railroad tracks within the city, and regulate the speed of locomotive engines therein, and regulate the rate of speed at which trains may run within the inhabited portions of the city, and to regulate and control the location of gas works, canals for irrigation and other purposes, telegraph and telephone poles, and all improvements of a similar nature.

§ 495. s 20. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and around it, not exceeding five miles beyond the boundaries thereof; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and prevent and remove the same.

§ 496. s 21. To purchase, hold, own and lay out grave yards or cemeteries and regulate the same; to regulate the burial of the dead and registration of deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians or sextons, and others for any default in the premises.

§ 497. s 22. The city council shall have power to borrow money for city purposes, the annual interest of which shall not exceed one-fourth of the city revenue arising from the taxes of previous year.

§ 498. s 23. To prevent horse racing or fast riding or driving in the streets of said city; to prohibit the abuse or cruel treatment of animals, and to punish any person or per-

sons for abusing or cruelly treating animals; to compel persons to put up hitching posts in front of their places of business; to compel the fastening of horses, mules or other animals while standing in the streets of said city.

§ 499. s 24. To exclusively control, regulate, repair and clean the streets, alleys, bridges, sidewalks or cross walks, and to open, widen, straighten or vacate streets and alleys, and put drains, sewers and ditches therein, and to prevent the injuring and incumbering of the streets or sidewalks of said city in any manner whatever.

§ 500. s 25. To regulate and license butchers, and to regulate, license and restrain the sale of fresh meat and vegetables.

§ 501. s 26. To license, tax and regulate peddlers, hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen, livery stables or the proprietors thereof, tavern, hotel and restaurant keepers, bakers and confectioners.

§ 502. s 27. To restrain and punish for vagrancy, mendicancy, street beggary, prostitution and libertinism.

Financial
statement.

§ 503. s 28. The city council shall cause to be published, by posting up in three public places in said city on or before the fifteenth day of May of each year a statement of the finances of said city for the previous fiscal year, showing the receipts and disbursements in detail of the funds of said city.

Council to
manage
finances and
property of
city.

§ 504. s 29. The city council shall have the exclusive management and control of all finances and property of the city, and shall have power to lay out, improve and regulate the planting and preserving of trees in the streets and public grounds thereof; to direct and regulate the planting and preserving of trees in the streets and public grounds of said city, and to regulate the fencing of lots within the bounds of the city.

§ 505. s 18. This act shall be in force on and after the first day of April, 1868, and may be amended or repealed at the pleasure of the Legislative Assembly.

RICHMOND.

SECTION.	SECTION.
506 Boundaries; corporation formed; seal.	512-515 Powers of council.
507 Powers of corporation.	516 Ordinances to be published.
508 Council to consist of mayor and five councilors; two justices of the peace to be elected.	517 Ordinances, how proven.
509 Mayor and councilors to qualify.	518 Justices of the peace, powers, duties and jurisdiction of.
510 Elections.	519 Mayor, powers and duties of.
511 Persons elected to be notified; must qualify; subsequent elections.	520-522 Powers of council.
	523 Act, when to take effect.
	524-530 Powers of council.

§ 506. s 1. All that district of country embraced in the following boundaries in Cache county, to-wit: commencing at the centre of section thirteen (13) township fourteen (14) north, range one (1) east, and running thence due west to Cub river, thence down the main channel of said river to the centre line of section six (6) in township thirteen (13) north, range one (1) east, thence east on said line to the centre of section one (1), thence due north to the place of beginning, shall be known and designated under the name of Richmond city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Feb 6, 1 68.
Boundaries,
Amended
March 12, 1884.

§ 507. s 2. The inhabitants of said city, by the name and style aforesaid shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Corporation
formed, seal.

Powers of
corporation.

§ 508. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and

Council to
consist of
mayor and five
councilors.

until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 509. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to best of their skill and abilities.

Elections.

§ 510. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Cache county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now provided by law for the holding of elections for county and Territorial officers; and at the said first election all electors within said city limits shall be entitled to vote.

Persons elected to be notified, must qualify; subsequent elections.

§ 511. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Powers of council.

§ 512. s 7. The city council shall have power to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, to be provided for by ordinance not repugnant to the Constitution of the United States, or the laws of this Territory.

§ 513. s 8. The city council shall have power to

appoint a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

As amended,
Feb. 22, 1878.

§ 514. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 515. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies, that may happen by death, resignation, removal or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards, and specify the boundaries thereof.

§ 516. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances to
be published.

§ 517. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Ordinances,
how proven.

Justices of the
peace, power,
duties and
jurisdiction of.

§ 518. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, to the probate court of said Cache county, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 519. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 520. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 521. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of. spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous, or fermented liquors.

§ 522. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

Act when to
take effect.

§ 523. s 18. This act shall be in force on and after the first day of April, one thousand, eight hundred and sixty-eight, and may be amended or repealed at the pleasure of the Legislative Assembly.

§ 524. s 1. The city council of Richmond city shall have power to license, tax and regulate hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen, and livery stables or the proprietors thereof, tavern, hotel and restaurant keepers, bakers and confectioners.

March 4, 1884.
Powers of
council.

§ 525. s 2. To regulate and control the locations of gas works, canals, telegraph and telephone poles and other similar improvements.

§ 526. s 3. To prevent horse racing or fast riding or driving in the streets of said city; to prohibit the abuse or cruel treatment of animals, and to punish any person or persons for abusing or cruelly treating animals; to compel persons to put up hitching posts in front of their places of business; to compel the fastening of horses, mules or other animals while standing in the streets of said city.

§ 527. s 4. To exclusively control, regulate, repair and clear the streets, alleys, bridges, sidewalks; or cross walks, and to open, widen, straighten or vacate streets and alleys, and put drains, sewers and ditches therein, and to prevent the injuring and incumbering of the streets or sidewalks of said city in any manner whatever.

§ 528. s 5. To regulate and license butchers, and to revoke their license for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meat and vegetables.

§ 529. s 6. The city council shall cause to be published, by posting up in three public places in said city on or before the first day of December of each year, a statement of the finances of said city for the previous fiscal year, showing the receipts and disbursements in detail of the funds of said city.

§ 530. s 7 The city council of said city shall have the exclusive management and control of all finances and property of said city; and shall have power to lay out, improve and regulate the public grounds of said city, to direct and regulate the planting and preserving of trees in the streets and public grounds of said city, and regulate the fencing of lots within the bounds of said city.

MENDON.

SECTION.

531 Boundaries, corporation formed.
seal.

532 Corporation, powers of.

533 Council to consist of mayor and
six councilors; two justices of
the peace to be elected.

534 Mayor and councilors to qualify.

535 Election.

536 Persons elected to be notified;
subsequent elections.

SECTION.

537-540 Powers of council.

541 Ordinances to be published.

542 Ordinances, how proven.

543 Justices of the peace, jurisdiction
and duties of mayor, powers
and duties of.

544 Mayor, powers and duties of.

545-547 Powers of council.

548 When act takes effect.

Feb. 12, 1870.
Boundaries.

§ 531. s 1. All that district of country in Cache county embraced within the following boundaries, to-wit: Beginning at a point one and one-half miles east of the south-east corner of block five in Mendon town plot, thence south one and one-half miles, thence west three miles, thence north three miles, thence east three miles, thence south one and one-half miles to the place of beginning, shall be known and designated under the name of Mendon city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have succession, and may have and use a common seal which they may change and alter at pleasure.

Corporation
formed, seal.Corporation,
powers of.

§ 532. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to
consist of
mayor and
councilors. six

§ 533. s 3. There shall be a city council, to consist of a mayor and six councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city

council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a less number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

§ 534. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Mayor and councilors to qualify.

§ 535. s 5. A mayor and six councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Cache county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election, all electors within said city limits shall be entitled to vote.

Election.

§ 536. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Persons elected to be notified.

Subsequent elections.

§ 537. s 7. The city council shall have power to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same, to be provided for by ordinance not repugnant to the Constitution of the United States, or the laws of this Territory.

Powers of council.

§ 538. s 8. The city council shall have power to appoint a supervisor of the streets, and appoint all such other

officers by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 539. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties; and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 540. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill vacancies that may happen by death, resignation, removal or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

Ordinances to
be published.

§ 541. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 542. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justices of the
peace, juris-
diction and
duties of.

§ 543. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in

civil and criminal cases, arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace. They shall have exclusive original jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

§ 544. s 14. The mayor shall be the chief executive officer of said corporation, he shall preside in the city council, and shall have power to veto any ordinance, but when passed by two-thirds majority after considering his objections, it shall be his duty to sign the same as well as all other city ordinances. Mayor, powers and duties.

§ 545. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinances. Powers of council.

§ 546. s 16. To license, regulate, prohibit, or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, to tax and regulate tavern keepers, dram or tippling shop keepers, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 547. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax, and regulate auctioneers, merchants and retailers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

§ 548. s 18. This act shall be in force on and after the first day of April, one thousand eight hundred and seventy, and may be amended at the pleasure of the Legislative Assembly. Act when to go into effect.

WELLSVILLE.

SECTION.

- 549 Boundaries, corporation formed, seal.
- 550 Powers of corporation.
- 551 Council to consist of mayor and six councilors.
- 552 Elections.
- 553 First election, how conducted.
- 554 Subsequent elections.
- 555 Meetings of council, mayor to preside.
- 556 Stated and special meetings.
- 557 Council to appoint certain officers
- 558 Elective officers, how removed.
- 559 Vacancies, how filled; all officers to qualify.
- 560 Council to divide city into wards.

SECTION.

- 561 Justices of the peace, powers, duties and jurisdiction of.
- 562 Recorder's duties.
- 563 Treasurer's duties.
- 564-567 Powers of council.
- 568 Assessment roll, when returned; council to hear objections to.
- 569 Collector to be furnished list of taxes and shall collect, how.
- 570-606 Powers of council.
- 607 Ordinances to be published.
- 608 Ordinances, how proven.
- 609-610 Property, how taken for streets.
- 611 Peace officers, powers of.
- 612 Council to publish financial statement.

Jan. 19, 1866.
Boundaries,
amended
March 13, 1884.

§ 549. s 1. That all of the district of country embraced in the following boundaries in Cache county, to-wit: Commencing at the southwest corner of the northwest quarter of section fifteen of township ten north of range one west, thence north from said place of beginning four and one-fourth miles, thence east three miles, thence south four and one-fourth miles, thence west three miles to the point of beginning, shall be known and designated under the name and style of Wellsville city, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession and may have and use a common seal which they may change and alter at pleasure.

Corporation
formed, seal.

Powers of
corporation.

§ 550. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive, hold, all property for cemeteries, public squares, city buildings, water works, canals, streams of water and for all other purposes for the benefit and use of said city, both within and without its corporate boundaries, to improve and protect such property, and do all other things in relation thereto, as natural persons.

§ 551. s 3. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, six councilors, who shall have the qualifications of electors in said city, and shall hold their office for two years, and until their successors are elected and qualified.

§ 552. s 4. An election shall be held on the first Monday of March next, and every two years thereafter on said day, at which there shall be elected one mayor, six councilors, and two justices of the peace for said city; and the persons receiving the highest number of votes cast in the city for said offices shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the city council.

§ 553. s 5. The first election under this act shall be conducted in the following manner, to-wit: The county clerk of Cache county shall cause notice of the time and place, and the number and kind of officers to be elected, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be chosen by the probate judge of Cache county, at least one week previous to the day of election; said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation before the clerk of the county court for the faithful performance of said duties. The polls shall be open at eight a. m., and close at six p. m. At the close of said election the judges shall seal up the ballot box and the list of the names of the electors, and transmit the same, within two days from the time of holding such election to the county clerk of Cache county. As soon as the returns are received, the county clerk, in the presence of the probate judges, shall unseal and examine them, and furnish, within five days, to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the county clerk in the presence of the probate judge.

§ 554. s 6. All subsequent elections held under this act shall be held, conducted and returns thereof made as may be provided by ordinance of the city council.

§ 555. s 7. The city council shall be judge of the qualifications, elections and returns of their own members; and the majority of them shall form a quorum to do business, shall determine the rules of their own proceedings and shall meet at

such time and place as they may direct; the mayor shall preside when present, and have a casting vote; and, in the absence of the mayor, any councilor present may be appointed to preside over said meeting.

Stated and special meetings.

§ 556. s 8. The city council may hold stated meetings; and special meetings may be called by the mayor or any two councilors, by notice to each of the members of said council, served personally or left at their usual place of abode.

Amended, Feb. 22, 1878. Council to appoint certain officers

§ 557. s 9. The city council shall have power to appoint a recorder (1) (who shall be the auditor of public accounts), supervisor of streets, surveyor and attorney, a sexton, a sealer of weights and measures and all such other officers as may be necessary, define their duties, remove them from office at pleasure, and fix and establish the fees of all city officers.

Elective officers removed, how.

§ 558. s 10. All officers elected in accordance with the fourth section of this act may be removed for cause from such office by a vote of two-thirds of the city council, and shall be furnished with the charges and have an opportunity to be heard in their defence; and the council shall have power to compel the attendance of witnesses and the production of papers, when necessary.

Vacancies, how filled.

§ 559. s 11. When a vacancy shall happen by death, resignation or removal of any officer, such vacancy may be filled by the city council; and every person elected or appointed to any office under this act shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory and the ordinances of the city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and shall be required to give bonds as shall be prescribed by city ordinances, which oath and bond shall be filed with the city recorder.

Council to divide the city into wards.

§ 560. s 12. The city council shall have power to divide the city into wards and specify the boundaries thereof; and, when necessary, create additional wards and add to the number of councilors and proportion them among the several wards as may be just and most conducive to the welfare of said city.

(1) Made elective by act of February 22, 1878.

§ 561. s 13. The justices of the peace shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace; and, when so qualified, shall possess the same powers and jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the city treasury, and all fines and forfeitures arising under the laws of the Territory into the county treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city.

Justices of the
peace, powers
duties and
jurisdiction of.

§ 562. s 14. It shall be the duty of the recorder to make and keep accurate record of all ordinances made by the city council and all their proceedings in a corporate capacity; which record shall at all times be open to the inspection of the electors of the city and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city; and he is hereby authorized to take the acknowledgment of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinance.

Recorder's
duties.

§ 563. s 15. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all funds that may come to hand, by virtue of his office, upon orders signed by the auditor of public accounts, and shall report to the city council a true account of his receipts and disbursements, as they may require.

Treasurer's
duties.

§ 564. s 16. The city council shall have power within the city, by ordinance, to annually levy and collect taxes on the assessed value of all property in the city made taxable by the laws of the Territory, for the following named purposes, to-wit: Not to exceed five mills on the dollar for contingent expenses, nor to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. The city council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes, and for furnishing the

Powers of
council.

city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, control the water courses leading thereto.

§ 565. s 17. The city council shall have the management and control of all the finances and property of said city.

§ 566. s 18. To require, and it is hereby made the duty of every able-bodied male resident of the city, over the age of eighteen and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay two dollars for the day he shall be so bound to labor: *Provided*, it be paid within five days from the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

§ 567. s 19. The council shall have power to borrow money for city purposes, the interest of which shall not exceed one-fourth of the city revenue arising from taxes of the previous year.

Assessment
roll, when
returned;
council to hear
objections to.

§ 568. s 20. The city council shall have power, by ordinance, to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or before the first Monday in June in each year, but the time may be extended or additions made thereto by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto, and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council; and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

Collector to be
furnished list
of taxes, and
shall collect
how.

§ 569. s 21. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of taxes to be collected; and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost, by suit in the corporate name as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

Powers of
Council.

§ 570. s 22. To appropriate and provide for the payment of the expenses and debts of the city.

§ 571. s 23. To make regulations to prevent the introduction of contagious diseases into the city; to make

quarantine laws and enforce the same within [the city] and around it, not exceeding ten miles next beyond the boundaries thereof.

§ 572. s 24. To examine licenses and regulate the practice of surgeons and physicians; to prohibit, prevent and punish, by fine and imprisonment, the imposition of quacks and other medical pretenders; to establish hospitals and infirmaries, and make regulations for the government of the same; to make regulations to secure the health of the inhabitants; to declare what shall be nuisances and prevent and remove the same.

§ 573. s 25. To provide the city with water; to dig wells, lay pump logs and pipes and erect pumps in the streets for the extinguishment of fires and the convenience of the inhabitants.

§ 574. s 26. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin or other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

§ 575. s 27. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, sidewalks or cross walks, and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner, and protect the same from any encroachment or injury.

§ 576. s 28. To provide for the lighting of streets and erecting lamp posts; to erect market houses and establish markets and market places, and provide for the government and regulation thereof.

§ 577. s 29. To provide for the erection of all needful buildings for the use of the city and for enclosing, improving and regulating all public grounds belonging to the city.

§ 578. s 30. The city council of said city shall have power by ordinance and enforcement thereof, to license, tax, and regulate, or to absolutely prohibit the manufacture, sale, or giving away in any quantity of spirituous, vinous, fermented, or other intoxicating liquors; *Provided*, That if any person, corporation or association of persons is licensed or permitted within said city to carry on the business in whole or in part mentioned in this section, then any other person corporation or association of persons not prohibited by the laws

As amended
March 13, 1884.

of this Territory, may carry on said business in like manner and under restriction and regulations.

§ 579. s 31. To license, tax and regulate auctioneers, merchants, and retailers, grocers, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

As amended
March 13, 1884

§ 580. s 32. The city council of said city shall have power to license, tax and regulate tavern and hotel keepers, boarding, victualing, or coffee houses and restaurants or the keepers thereof.

§ 581. s 33. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license or restrain the sale of fresh meat and vegetables in the city.

As amended
March 13, 1884

§ 582. s 34. The city council of said city shall have power by ordinance and enforcement thereof to license, tax and regulate the business of keeping, or furnishing for use billiards or pool tables, pin alleys, nine or ten pin alleys, table and ball alleys, or shooting galleries; to suppress or restrain all disorderly houses; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming, or any kinds of gambling; to prevent any riot, disturbance or disorderly assemblage, and to restrain and punish for vagrancy, mendicancy, street begging and prostitution.

§ 583. s 35. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

§ 584. s 36. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carrying of persons and for wagonage, cartage and drayage of property as also to license and regulate porters and fix the rates of portorage.

§ 585. s 37. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof and stove pipes; and to organize and establish fire companies.

§ 586. s 38. To regulate and order parapet walls and other partition fences.

§ 587. s 39. To establish standard weights and meas-

ures and regulate the weights and measures to be used in the city, in all cases not provided by law.

§ 588. s 40. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 589. s 41. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 590. s 42. To provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky, brandy, and all other spirituous or fermented liquors.

§ 591. s 43. To regulate the weight and quality of bread sold and used in the city.

§ 592. s 44. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

§ 593. s 45. To provide for taking the enumeration of the inhabitants of the city, to regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of the bills of mortality; and to impose penalties on physicians, sextons and others for any default in the premises.

§ 594. s 46. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals; to compel persons to put up posts in front of their lots to fasten their horses and other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, whilst standing or remaining in the streets.

§ 595. s 47. To prevent the incumbering of the streets or sidewalks, lanes, alleys, and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobes or any material or substance whatever.

§ 596. s 48. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 597. s 49. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery,

stable, barn, privy, sewer or any unwholesome place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 598. s 50. To direct the location and management of and regulate breweries and tanneries; and to direct the location, management and construction of, and restrain or prohibit within the city distilleries, slaughtering establishments, and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 599. s 51. To prevent any person from bringing, depositing or having within the limits of the city any dead carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substances, or any putrid or unsound beef, pork, or fish, hides or skins of any kind; and on his default to authorize the removal or destruction of the same by any officer of said city.

§ 600. s 52. To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

§ 601. s 53. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, performance and devices tending to disturb the peace and quiet of the said city.

§ 602. s 54. To grant and issue licenses, and direct the manner of issuing and registering thereof. Bonds may be taken, on the granting of licenses, for the due observance of the ordinances of the city council.

§ 603. s 55. To require every merchant, retailer, trader and dealer in merchandise or property of every description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

§ 604. s 56. The city council shall have power to make such ordinances and resolutions, not contrary to the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of

said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act, by penalties not exceeding one hundred dollars, or imprisonment not to exceed six months, or both.

§ 605. s 57. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties; and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution and laws of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

§ 606. s 58. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works until the same shall be fully paid, in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

§ 607. s 59. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Ordinances to be published.

§ 608. s 60. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book form, purporting to be printed or published by the authority of the city council, the same shall be received in evidence in all courts or places, without further proof. Ordinances how proven.

§ 609. s 61. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is taken; and if the amount of such compensation cannot be agreed upon, the justice of the peace shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city. Property how taken for streets.

§ 610. s 62. All jurors, impaneled to inquire into the amounts of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect; and shall return to the mayor or presiding officer of the city council their inquest in writing, signed by each juror.

Conservators
of the peace
powers of.

§ 611. s 63. All officers of the city, created conservators of the peace by this act, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, commit for examination and, if necessary, detain such persons in custody forty-eight hours in the city prison or other safe place, and shall have and exercise such other powers as conservators of the peace, as the city council may prescribe.

Council to
publish finan-
cial statement.

§ 612. s 64. The city council shall cause to be published in some newspaper printed in the city of Wellsville, or posted up in three public places, on or before the first day of December in each year, a statement of the amount of city revenue, specifying in said statement whence derived and for what disbursed.

HYRUM.

SECTION.	SECTION.
613 Boundaries; corporation formed; seal.	619-622 Powers of Council.
614 Powers of corporation.	623 Ordinances must be published.
615 Council to consist of mayor and six councilors; two justices of the peace to be elected.	624 Ordinance, how proven.
616 Mayor and councilors to qualify.	625 Justices of the peace; powers jurisdiction and duties of.
617 Elections.	626 Mayor; powers and duties of.
618 Persons elected to be notified; must qualify.	627-629 Powers of council.
	630 Act when to take effect.

§ 613. s 1. All that district of country embraced within February 10th, 1870.
the following boundaries, to-wit: Commencing at the south- Boundaries.
east corner of block fourteen, in Hyrum city plot, thence east one and one-half miles, thence south one and one-half miles, thence west three miles, thence north three miles, thence east three miles, thence south one and one-half miles to the parallel line of the place of beginning shall be known and designated under the name of Hyrum city, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have succession, and Corporation formed, seal.
may have and use a common seal, which they may change and alter at pleasure.

§ 614. s 2. The inhabitants of said city by the name Powers of corporation.
and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 615. s 3. There shall be a city council, to consist of Council to consist of mayor and six councilors.
a mayor and six councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city

Two justices
of the peace to
be elected.

council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Mayor and
councilors to
qualify.

§ 616. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 617. s 5. The mayor and six councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Cache county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election all electors within said city limits shall be entitled to vote.

Persons elect-
ed to be noti-
fied must
qualify.

§ 618. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made, as may be provided for by ordinance of the city council.

Powers of
council.

§ 619. s 7. The city council shall have power to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof; and may enforce the payment of the same, to be provided for by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

Amended Feb-
ruary 22, 1878.

§ 620. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to

appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 621. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 622. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon, and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 623. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

§ 624. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justices of the
peace, powers
jurisdiction
and duties of.

§ 625. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases, arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws and give the same bonds and securities as other justices of the peace. They shall have exclusive original jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 626. 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by two-thirds majority, and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 627. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 628. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; to tax and regulate tavern keepers, dram or tippling shop keepers, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 629. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

Act when to
take effect.

§ 630. s 18. This act shall be in force on and after the first day of April, one thousand eight hundred and seventy, and may be amended at the pleasure of the Legislative Assembly.

BRIGHAM CITY.

SECTION.

- 631 Boundaries; corporation formed;
 seal.
 632 Powers of corporation.
 633 Council to consist of mayor and
 five councilors; two justices of
 the peace to be elected.
 634 Mayor and councilors to qualify.
 635 Elections.
 636 Persons elected to be notified;
 subsequent elections.

SECTION.

- 637-640 Powers of council.
 641 Ordinances to be published.
 642 Ordinances, how proven.
 643 Justice of the peace; powers,
 jurisdiction and duties of.
 644 Mayor; powers and duties of.
 645-647 Powers of council.
 648 Act when to be in force.

§ 631. s 1. All that district of country embraced in the Jan. 12, 1867
 following boundaries in Box Elder county, to-wit: Commenc-
 ing at the southeast corner of Martin Luther Ensign's land
 claim on the Territorial road, about one mile northeast of the
 court house in Brigham City, thence west to the Big Slough
 between said Territorial road and Bear river west, thence
 south along said slough to a point west of the lane passing
 between the two enclosures called the Welsh field and
 Welsh settlement, thence east to the west line of Cache
 county, thence north to a point east of the place of beginning,
 and thence west to the place of beginning, shall be known
 and designated under the name and style of Brigham City;
 and the inhabitants thereof are hereby constituted a body
 corporate and politic by the name aforesaid, and shall have
 perpetual succession, and may have and use a common seal
 which they may change and alter at pleasure.

Boundaries.

Corporation
formed, seal.

§ 632. s 2. The inhabitants of said city, by the name
 and style aforesaid, shall have power to sue and be sued, to
 plead and be impleaded, defend and be defended in all courts
 of law and equity, and in all actions whatsoever; to purchase,
 receive and hold property real and personal in said city; to
 purchase, receive and hold real property beyond the city for
 burying grounds and other public purposes for the use of the
 inhabitants of said city; to sell, lease, convey or dispose of
 property real and personal for the benefit of said city; to im-
 prove and protect such property, and to do all other things
 in relation thereto as natural persons.

Powers of
corporation.

Council to consist of mayor and five councilors.

§ 633. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 634. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 635. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Box Elder county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for holding of elections for county and Territorial officers; and, at the said first election, all electors within said city limits shall be entitled to vote.

Persons elected to be notified.

§ 636. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof be made as may be provided for by ordinance of the city council.

Powers of council.

§ 637. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the

assessed value thereof; and may enforce the payment of the same, to be provided for by ordinance not repugnant to the Constitution of the United States or to the laws of this Territory.

§ 638. s 8. The city council shall have power to ap-^{Amended Feb. 22, 1878.}point a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 639. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security, for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 640. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 641. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

^{Ordinances to be published.}

Ordinances,
how proven.

§ 642. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justices of the
peace; powers
jurisdiction
and duties of.

§ 643. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws and give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, power
and duties of.

§ 644. s 14. The mayor shall be chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority; and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 645. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 646. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; [to tax and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing, or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 647. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatrical and other exhibitions,

shows and amusements; to tax, restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

§ 648. s 18. This act shall be in force on and after the ^{Act when to be in force.} tenth day of February, one thousand eight hundred and sixty-seven, and may be amended or repealed at the pleasure of the Legislative Assembly.

CORINNE.

SECTION.

649 Boundaries; corporation formed; seal.
650 Powers of corporation.
651 Council to consist of mayor and ten councilors; two justices to be elected.
652 Mayor and councilors must qualify.
653 Elections.

SECTION.

654 Persons elected to be notified must be qualified; subsequent elections.
655-658 Powers of council.
659 Ordinances to be published.
660 Ordinances, how proven.
661 Justices of the peace; powers, jurisdiction and duties of.
662 Mayor; powers and duties of.
663-665 Powers of council.
666 Act, when to take effect.

§ 649. s 1. All that district of country embraced in ^{Feb. 18, 1870.} the following boundaries in Box Elder county, to-wit: Beginning at the south-west corner of section one, United States ^{Boundaries.} survey, township nine north, range three west, thence north, two miles to north-west corner of section thirty-six, township ten north, range three west, thence east to the centre of main channel of Bear river, thence down the main channel of the said Bear river to the line between sections six and seven, township nine north, range two west, thence west to place of beginning, shall be known and designated under the name and style of Corinne city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, ^{Corporation formed, seal.} and shall have succession; and may have and use a common seal, which they may change and alter at pleasure.

§ 650. s 2. The inhabitants of said city by the name ^{Powers of corporation.} and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts

of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor and ten councilors.

§ 651. s 3. There shall be a mayor and ten councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof; and five of the councilors chosen at the first election shall hold office for one year, and five of them for two years, and until their successors are elected and qualified; the terms of office of the councilors elected at the first election shall be determined by lot at the first meeting of the council after the first election; five councilors shall be elected annually. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 652. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 653. s 5. A mayor shall be elected biennially, and shall hold office for two years and until his successor is elected and qualified; and the first election under this act shall be at such time and place in said city as the probate judge of Box Elder county shall direct: *Provided*, said election shall be on or before the first Monday in April next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election all citizens of the United States, who have resided for six months last past within said

city limits, shall be deemed electors and entitled to vote at said first election.

§ 654. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made, as may be provided for by ordinance of the city council.

Persons elected to be notified; must qualify.

Subsequent election.

§ 655. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum, upon the assessed value thereof; and may enforce the payment of the same to be provided for by ordinance not repugnant to the Constitution of the United States or to the laws of this Territory.

Powers of council.

§ 656. s 8. The city council shall have power to appoint a supervisor of streets, and all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

Amended Feb. 22, 1878.

§ 657. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 658. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city; *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon, and shall have control of the water and mill privileges within said city; but in no case shall they interfere

with the natural rights of others heretofore required in relation to water. Vacancies in the city council shall be filled by special elections, held after public notice of at least ten days. The city council shall have power to divide the city into wards and specify the boundaries thereof, and to fix and establish the fees of the officers of said corporation.

Ordinances to
be published.

§ 659. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances
how proven.

§ 660. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justice of the
peace; powers,
jurisdiction
and duties of.

§ 661. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases, arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws and give the same bonds and securities as other justices of the peace. They shall have exclusive original jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry [such] ordinances into execution. Appeals may be had from any decision or judgment of said justices arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 662. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 663. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry in said city; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 664. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; to tax and regulate tavern keepers, dram or tippling shop keepers, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 665. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to provide for the punishment of offenders and vagrants by imprisonment in the city jail, or by compelling them to labor on the streets or other public works, until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines or forfeitures which may be awarded against them, to license, tax and regulate auctioneers, merchants and retailers; to license, regulate and tax theatrical and other exhibitions, shows and amusements; to restrain, prohibit and suppress gambling, gaming, bawdy and other disorderly houses.

§ 666. s 18. This act shall be in force from and after its passage, and may be amended at the pleasure of the Legislative Assembly. Act when to go into effect.

WILLARD.

SECTION.

- 667 Boundaries; corporation formed; seal.
 668 Powers of corporation.
 669 Council to consist of mayor and five councilors; two justice of the peace to be elected.
 670 Mayor and councilors to qualify.
 671 Elections.
 672 Persons elected to be notified, must qualify; subsequent elections.

SECTION.

- 673-676 Powers of council.
 677 Ordinances to be published.
 678 Ordinances, how proven.
 679 Justice of the the peace; powers, jurisdiction and duties of.
 680 Mayor; powers and duties of.
 681-683 Powers of council.
 684 Act, when to take effect.

Feb. 16, 1870.

Boundaries.

§ 667. s 1. All that district of country embraced in the following boundaries in Box Elder county, to-wit: Commencing at the southwest corner of section thirty-five, township eight north, range two west, thence west one mile, thence north three miles, thence east two miles, thence south three miles, thence west one mile, to place of beginning, shall be known and designated under the name and style of Willard city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Corporation formed; seal.

Powers of corporation.

§ 668. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor and five councilors.

§ 669. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city

council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city. Two justices of the peace to be elected.

§ 670. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities. Mayor and councilors to qualify.

§ 671. s 5. A mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time and place in said city as the probate judge of Box Elder county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and, at the said first election, all electors within said city limits shall be entitled to vote. Elections.

§ 672. s 6. The clerk of election shall leave with each person elected or at his usual place of residence, within five days after the election a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made, as may be provided for by ordinance of the city council. Persons elected to be notified. Subsequent elections.

§ 673. s 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same to be provided for by ordinance not repugnant to the Constitution of the United States or to the laws of this Territory. Powers of council.

§ 674. s 8. The city council shall have power to appoint a supervisor of streets, and to appoint all such other officers, by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 675. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 676. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

Ordinances to
be published.

§ 677. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 678. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation the same shall be received in evidence in all courts and places without further proof.

§ 679. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases, arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace. They shall have exclusive original jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Justices of the
peace, powers,
jurisdiction
and duties of.

§ 680. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Mayor, powers
and duties of.

§ 681. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and to tax and regulate the keeping of dogs and to authorize the destruction of the same when at large contrary to city ordinance.

Powers of
council.

§ 682. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of any spirituous, vinous or fermented liquors; to tax and regulate tavern keepers, dram or tippling shop keepers, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 683. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatricals and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

§ 684. s 18. This act shall be in force on and after the first day of April, one thousand eight hundred and seventy, and may be amended or altered at the pleasure of the Legislative Assembly.

Act, when to
go into effect.

OGDEN.

SECTION.	SECTION.
685 Boundaries; corporation formed; seal.	700 Treasurer's duties.
686 Powers of corporation.	7 1-704 Powers of council.
687 Council to consist of mayor, three aldermen, five councilors.	705 Assessment roll, when returned; council to hear objections.
688 Elections.	706 Collector to be furnished tax list; taxes collected how.
689 First election, how conducted.	707-743 Powers of council.
690 Subsequent elections, how conducted.	744 Ordinances must be published.
691 Meetings of council, mayor to preside.	745 Ordinances, how proven.
692 Stated and special meetings.	746-747 Property, how taken for streets.
693 Council to appoint certain officers.	748-752 Saving clauses.
694 Elective officers, how removed.	753 Conservators of the peace, powers of.
695 Vacancies, how filled; officers to qualify.	754 Powers of old council to continue until succeeded.
696 Council to divide city into wards.	755 Repealing old charter.
697 Mayor and aldermen to be conservators of the peace.	756 Council to publish financial statement.
698 Process, how directed and executed.	757 Persons may be removed from office, how.
699 Recorder's duties.	758 Council may appropriate water.
	759 City council may borrow money, how.

Jan 18, 1861.

Boundaries.

§ 685. s 1. All that district of country in Weber county, embraced in the following boundaries to-wit: Beginning at the mouth of Burch creek canyon, thence running due west to a point due south of the confluence of Weber and Ogden rivers, thence due north passing through the junction of Weber and Ogden rivers to the street running east between ranges five and six, North Ogden survey, thence east to the base of the mountain, thence in a southerly direction along the base of the mountain to the place of beginning, shall be known and designated by the name and style of Ogden city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; with perpetual succession, and shall have and use a common seal, which they may change and alter at pleasure. That the first section of an act incorporating Ogden city be so amended that said city be bounded on the south by a parallel line running east and west, one-half mile south of the

Corporation formed, seal.

Amended Feb. 22, 1878.

Boundary.

southern boundary lide of township six north, United States survey. So much of section one of an act entitled "an act incorporating Ogden city, approved January eighteenth, eighteen hundred and sixty-one," as conflicts with this act, is hereby repealed.

§ 686. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive, hold, sell, lease, convey and dispose of property real and personal for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons. ^{Powers of corporation.}

§ 687. s 3. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, five aldermen, one from each ward, and five councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified. ^{Council to consist of mayor, three aldermen and five councilors}

§ 688. s 4. An election shall be held on the second Monday in February next, and every two years thereafter on said day, at which there shall be elected one mayor, three aldermen, and five councilors, and the persons respectively receiving the highest number of votes cast in the city for said offices shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the city council. ^{Elections.}

§ 689. s 5. The first election under this act shall be conducted in the following manner, to-wit: The county clerk of Weber county shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the probate judge of Weber county, at least one week previous to the day of election; said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation for the faithful discharge thereof. The polls shall be opened at eight o'clock a. m., and shall close at six o'clock p. m. At the close ^{First election, how conducted.}

of the election the judges shall seal up the ballot box and the list of names of the electors, and transmit the same, within two days, to the county clerk of Weber county. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them, and furnish, within five days, to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the county clerk in presence of the probate judge.

Subsequent
elections.

§ 690. s 6. All subsequent elections held under this act shall be held, conducted and the returns thereof made as may be provided for by ordinance of the city council.

Meetings of
council; mayor
to preside.

§ 691. s 7. The city council shall be judge of the qualifications, elections and returns of their own members; and a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; the mayor shall preside when present, and have a casting vote; and in the absence of the mayor, any alderman present may be appointed to preside over said meeting.

Stated and
special meet-
ings.

§ 692. s 8. The city council may hold stated meeting, and special meetings may be called by the mayor, or any two aldermen by notice to each of the members of said council, served personally or left at their usual place of abode.

Amended Feb.
15, 1872.

Council to ap-
point certain
officers.

§ 693. s 9. The city council shall have power to appoint a recorder (who shall be the auditor of public accounts), supervisor of streets, surveyor, an attorney, a sexton, a sealer of weights and measures, and all such other officers as may be necessary; define their duties, remove them from office at pleasure, and fix and establish the fees of all officers, jurors and witnesses.

Elective offi-
cers, how re-
moved.

§ 694. s 10. All officers elected in accordance with the fourth section [§ 414] of this act may be removed for cause from such office by a vote of two-thirds of the city council, and shall be furnished with the charges, and have an opportunity to be heard in his defense, and the council shall have power to compel the attendance of witnesses, and the production of papers when necessary.

Vacancies,
how filled.

§ 695. s 11. When any vacancy shall happen by the death, resignation or removal of any officer, such vacancy may be filled by the city council, and every person elected or

appointed to any office under this act shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of the city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and he may be required to give bonds as shall be prescribed by city ordinance, which oath and bond shall be filed with the city recorder. All persons appointed under this act to any office shall be commissioned by warrant under the corporate seal signed by the city recorder. All officers to qualify.

§ 696. s 12. The city council shall have power to divide the city into wards, and specify the boundaries thereof, and when necessary create additional wards, and add to the number of aldermen and councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said city. Council to divide city into wards.

§ 697. s 13. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace, and when so qualified shall possess the same powers and jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city, by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the city treasury, and all fines and forfeitures arising under the laws of the Territory into the county treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city. Appeals may be had from any decision or judgment of a mayor or alderman's court in the same manner as are or may be provided by statute for appeals from justices' courts, and they shall account for, and pay over to the city treasurer within three months all fines and forfeitures received by them, by virtue of their office, and they shall each keep a docket, subject at all times to the inspection of the city council and all other parties interested. Mayor and aldermen to be conservators of the peace, their powers and jurisdiction.

§ 698. s 14. All process issued by the mayor or an alderman shall be directed to the marshal, or other legal officer, and in execution thereof, he shall be governed by such rules and regulations as may be provided by city ordinance. Process how directed and executed.

Recorder's duties.

§ 699. s 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of the city, and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city, and he is hereby authorized to take the acknowledgment of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinances.

Treasurer's duties.

§ 700. s 16. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all funds that may come to his hand, by virtue of his office, upon orders signed by the auditor of public accounts; and shall report to the city council a true account of his receipts and disbursements, as they may require.

Powers of council.

§ 701. s 17. The city council shall have power, within the city, by ordinance to annually levy and collect taxes on the assessed value of all property in the city made taxable by the laws of the Territory, for the following named purposes, to-wit: Not to exceed five mills on the dollar for contingent expenses, nor to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. The city council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes and furnishing the city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, control the water courses leading thereto, in the immediate vicinity thereof.

§ 702. s 18. The city council shall have the management and control of the finances and property of said city.

§ 703. s 19. To require and it is hereby made the duty of every male resident of the city, over the age of eighteen and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay one dollar and fifty cents for the day he shall be so bound to labor: *Provided*, it be paid within five days from the time he shall be notified by the street supervisor. In

default of payment as aforesaid, the same may be collected as other taxes.

§ 704. s 20. The council shall have power to borrow money for city purposes, the interest of which shall not exceed one-fourth of the city revenue arising from taxes of the previous year.

§ 705. s 21. The city council shall have power by ordinance to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or before the first Monday of June in each year, but the time may be extended or additions made thereto by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

Assessment roll, when returned Feb. 20, 1880.

Council to hear objections.

§ 706. s 22. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of taxes to be collected; and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, or by distress and sale of any property belonging to persons so indebted, as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

Collector to be furnished tax list.

How taxes collected. Amended Feb. 20, 1880.

§ 707. s 23. To appropriate and provide for the payment of the expenses and debts of the city.

Powers of council, continued.

§ 708. s 24. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and around it, not exceeding twelve miles next beyond the boundaries thereof.

§ 709. s 25. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and prevent and remove the same.

§ 710. s 26. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the street for the extinguishment of fires and the convenience of the inhabitants.

§ 711. s 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin, or [other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

§ 712. s 28. To exclusively control, regulate, repair, amend and [clear the streets, [alleys, bridges, sidewalks or cross walks, and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner, and protect the same from any encroachment and injury.

§ 713. s 29. To provide for the lighting of the streets and erecting lamp posts; to erect market houses and establish markets and market places, and provide for the government and regulation thereof.

§ 714. s 30. To provide for the erection of all needful buildings for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city.

Amended Feb.
20, 1880.

§ 715. s 31. To license, [regulate, [prohibit or restrain the manufacturers, sellers, or venders of spirituous or fermented liquors, tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous, or fermented; and to license, tax and regulate the manufacture and sale of spirituous, vinous, fermented, malt and intoxicating liquors.

§ 716. s 32. To license, tax and regulate auctioneers, merchants, retailers, groceries, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

Amended
March 13, 1884.

§ 717 s 33. To regulate the selling or giving away of any ardent spirits or other intoxicating [liquors by any shopkeeper, grocer or trader, to be drank in any shop, store grocery, outhouse, yard, garden or other place within the city, and to prohibit such selling or giving away, except by persons or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

§ 718. s 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course

of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city.

§ 719. s 35. To license, tax, regulate, suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys, or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming and all kinds of gambling; to prevent any riot, noise, disturbance or disorderly assemblage; and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 720. s 36. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

§ 721. s 37. To license, tax and regulate hacking, carriages, wagons, carts and drays and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rates of portorage.

§ 722. s 38. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and flues thereof and stove pipes, and to organize and establish fire companies.

§ 723. s 39. To regulate and order parapet walls and other partition fences.

§ 724. s 40. To establish standard weights and measures and regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 725. s 41. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 726. s 42. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 727. s 43. To provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky and brandy and all other spirituous or fermented liquors.

§ 728. s 44. To regulate the weight and quality and price of bread sold and used in the city.

§ 729. s 45. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

§ 730. s 46. To provide for the taking the enumeration of the inhabitants of the city; to regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons, and others for any default in the premises.

§ 731. s 47. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals, to provide for the putting up of posts in front of city lots to fasten their horses and other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, whilst standing or remaining in the streets.

§ 732. s 48. To prevent the incumbering of the streets or sidewalks, lanes, alleys and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobes or any material or substance whatever.

§ 733. s 49. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to authorize the distraining, impounding the same and collecting penalty and cost incurred thereby, and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 734. s 50. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place to cleanse, remove or abate the same from time to time, as oft as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 735. s 51. To direct the location and management of, and regulate breweries and tanneries; and to direct the location, management and construction of and restrain or prohibit within the city distilleries, slaughtering establishments and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 736. s 52. To prevent any person from bringing, depositing or having within the limits of the city any dead

carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substance or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the [removal or destruction of the same by any officer of said city.

§ 737. s 53. To direct and regulate the planting and preserving trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

§ 738. s 54. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, performances and devices tending to disturb the peace and quiet of the said city.

§ 739. s 55. To grant and issue licenses and direct the manner of issuing and registering thereof. Bonds may be taken on the granting of licenses, for the due observance of the ordinances of the city council.

§ 740. s 56. To require every merchant, retailer, trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

§ 741. s 57. The city council shall have power to make such ordinances and resolutions, not contrary to the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties in any sum less than three hundred dollars, or imprisonment not to exceed six months, or both.

§ 742. s 58. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinances; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution and laws of the

Amended Feb.
20, 1880.

United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

§ 743. s 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Ordinances
must be pub-
lished.

§ 744. s 60. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances,
how proven.

§ 745. s 61. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book form, purporting to be printed or published by the authority of the city council, the same shall be received in evidence in all courts or places without further proof.

Property, how
taken for
streets.

§ 746. s 62. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 747. s 63. All jurors empaneled to enquire into the amounts of benefit or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor or presiding officer of the city council their inquest in writing, signed by each juror.

Saving clauses

§ 748. s 64. All ordinances, resolutions and regulations now in force in Ogden city, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

§ 749. s 65. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under

the ordinance incorporating Ogden city, shall be vested in and prosecuted by the corporation hereby created.

§ 750. s 66. All plots and surveys of lands, lots, or other places within said city, heretofore surveyed by the surveyor, and all plots and surveys of lands, lots or other places that may be hereafter surveyed, and all certificates of surveys given by him, shall be deemed valid by this act.

§ 751. s 67. All property, now belonging to Ogden city, is hereby vested in the corporation created by this act; and the officers of said corporation now in office shall respectively continue in the same, until superseded in conformity to the provisions thereof, but shall be governed by this act.

§ 752. s 68. This act shall not invalidate any act done by the present city council of Ogden city, or by its officers, nor divest their successors under this act of any right, property or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act.

§ 753. s 69. All officers of the city, created conservators of the peace by this act, shall have power to arrest, Conservators of the peace; powers of. or cause to be arrested, with or without process, all persons who shall break the peace; commit for examination, and, if necessary, detain such persons in custody forty-eight hours in the city prison or other safe place, and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

§ 754. s 70. Nothing in this act shall be so construed Old council, powers of to continue until superseded by successors. as to deprive the present city council of Ogden city of any power or authority conferred upon them by the ordinance incorporating said city, and the act amendatory thereto; but said city council shall possess, exercise and enjoy all the powers and authority heretofore conferred upon them, except so far as such powers and authority have been expressly modified or repealed by this act, until said city council are superseded by the election and qualification of their successors under this act.

§ 755. s 71. That an ordinance to incorporate Ogden Repealing old charter. city approved February 6th, 1851, be and is hereby repealed, and an act in relation to the assessment and collection and expenditure of a tax for road and other purposes within incorporated cities, approved January 4th, 1853, so far as the same applies to Ogden city, and is hereby repealed.

Council to
publish finan-
cial statement.

§ 756. s 72. The city council shall cause to be published in some newspaper published in Ogden city or posted up in three public places, on or before the first day of December in each year, a statement of the amount of the city revenue, specifying in said statement whence derived and for what disbursed.

February 20,
1880.
How persons
may be re-
moved from
office.

§ 757. s 4. Any person elected to any office may be removed from such office by a vote of two-thirds of the city council; he shall be furnished with the charges, and have an opportunity to be heard in his defense; and the council shall have power to compel the attendance of witnesses, and the production of papers, when necessary.

Council may
appropriate
water.

§ 758. s 5. The city council shall have the right and power, by ordinance, to appropriate from time to time, so much of the water of any spring or stream flowing in or into said city, or which may be near or adjacent to said city, as it may deem necessary for the present or future use of said city and its inhabitants; and any ordinance which it may have already enacted, or which it shall hereafter enact, appropriating the water of any such spring or stream, shall, from the date thereof, be deemed and taken to be an appropriation of such water, and said city council may prohibit any person from using or appropriating such water without permission from the proper city authorities; *Provided*, That this section shall not authorize said city council to appropriate any water previously appropriated by any person, nor to interfere with any vested rights then existing in any such water.

Council may
borrow money

§ 759. s 6. That the city council shall have the right and authority to borrow not exceeding twenty-five thousand dollars of money as a direct loan to the city, or to issue bonds of the city, payable within ten years, at such time and place and bearing such rate of interest, not exceeding seven per cent. per annum, payable semi-annually or yearly, as it may deem expedient, and it may also provide that such bonds or indebtedness shall not be liable to taxation by the city; *Provided*, That the money borrowed, or the proceeds of such bonds shall be expended for the erection of water works for the city, within or without the corporation, after due notice given in the manner provided by law for notice of general election in said city, which notice shall state the objects and amount of the proposed loan or issue of bonds, the rate of interest, and time and place of payment of the debt or bonds,

and the electors shall vote "yes" or "no," on each proposition. If a two-thirds majority of the voters of the property taxpayers cast, are in the affirmative, the city council may proceed to borrow the money or issue the proposed bonds in such denominations or sums as they may deem proper, and to sell the same. But said bonds shall not be sold for less than their par value, nor shall they, or any debt created pursuant to the provisions of this act, bear a greater rate of interest than seven per cent. per annum, payable annually or semi-annually.

KAYSVILLE.

SECTION.

- 760 Boundaries; corporation formed; seal.
- 761 Powers of corporation.
- 762 Council to consist of mayor and five councilors; two justices of the peace to be elected.
- 763 Mayor and councilors to qualify.
- 764 Elections.
- 765 Persons elected must qualify; subsequent elections.

SECTION.

- 766-769 Powers of council.
- 770 Ordinances to be published.
- 771 Ordinances, how proven.
- 772 Justices of the peace, powers, duties and jurisdiction of.
- 773 Mayor, powers and duties of.
- 774-776 Powers of council.
- 777 Act, when to take effect.

§ 760. s 1. All that district of country in Davis county Feb. 13, 1868.
 embraced in the following boundaries, to-wit: Commencing Boundaries.
 at the southeast corner of the southwest quarter of section one, in township three north, range one west, thence north five miles to the northeast corner of the northwest quarter of section thirteen, township four north, range one west, thence west two and a half miles to the northwest corner of section fifteen, township four north, range one west, thence southwest to the northwest corner of section thirty-one, township four north, range one west United States survey, Salt Lake meridian, thence south about three-fourths of a mile to Amended Feb. 16, 1872.
 the shore of Great Salt Lake, thence in a southeasterly direction along the shore of said lake about three miles to the pre-

cinct line between Farmington and Kaysville, thence north-easterly along said precinct line to where it intersects with the first sectional line south of the township line between townships three and four north, range one west, thence east to the place of beginning, shall be known and designated under the name and style of Kaysville city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and may have and use a common seal which they may change and alter at pleasure.

Corporation
formed, seal.

Powers of
council.

§ 761. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property real and personal in said city; to purchase, receive and hold real property beyond the city for burying grounds and other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to
consist of
mayor and five
councilors.

§ 762. s 3. There shall be a city council to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of
the peace to be
elected.

Mayor and
councilors to
qualify

§ 763. s 4. The mayor and councilors, before entering upon the duties of their offices shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 764. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be

at such time in said city as the probate judge of Davis county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election all electors within said city limits shall be entitled to vote.

§ 765. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Persons
elected to be
notified must
qualify.

Subsequent
elections.

§ 766. s 7. The city council shall have authority to levy and collect taxes, for city purposes, upon all taxable property real and personal within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same to be provided for by ordinance, not repugnant to the Constitution of the United States or to the laws of this Territory.

Powers of
council.

Amended Feb.
22, 1878.

§ 767. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 768. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 769. 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for

the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal, or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

Ordinances to
be published.

§ 770. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 771. s 12. All ordinances of the city may be proven by the seal of corporation affixed thereto; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Justices of the
peace, power,
duties and
jurisdiction of.

§ 772. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory; they shall perform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace; they shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 773. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not

passed by four-fifths majority; and it shall be his duty to sign all city ordinances.

§ 774. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to authorize the distraining, impounding or sale of the same for the penalty and costs incurred thereby, and to impose penalties for any violation of city ordinance in relation thereto; and to tax, regulate or prevent the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance; *Provided*, That the proceeds of such sale shall be paid into the county treasury of the county, less the amount of cost and expenses incurred in distraining, impounding and selling the same, to be used as provided for in section 408 of the Compiled Laws of Utah; and that such costs and expenses shall not exceed those provided for in section 413, Compiled Laws of Utah, for similar services.

Amended
March 11, 1884.
Powers of
council.

§ 775. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 776. s 17. The city council shall have exclusive power by ordinance to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

§ 777. s 18. This act shall be in force on and after the fifteenth day of March, 1868, and may be amended or repealed at the pleasure of the Legislative Assembly.

Act when to
take effect.

PROVO.

SECTION.	SECTION.
778 Boundaries; corporation formed; seal.	791 Process how directed and served.
779 Powers of corporation.	792 Recorder's duties.
780 Council to consist of mayor, three aldermen and five councilors.	793 Treasurer's duties.
781 Elections.	794-797 Powers of council.
782 First election, how conducted.	793 Assessment roll, when returned; council to hear objections to.
783 Subsequent elections, how conducted.	799 Collector to be furnished tax list; shall collect how.
784 Meetings of council; mayor to preside.	800-835 Powers of council.
785 Meetings of council, stated and special.	836 Ordinances to be published.
786 Council to appoint certain officers.	837 Ordinances, how proven.
787 Elective officers, how removed.	838-839 Property, how taken for streets.
788 Vacancies, how filled; officers to qualify.	840-844 Saving clauses.
789 Council to divide city into wards.	845 Conservators of the peace, powers and duties of.
790 Mayor and aldermen, conservators of the peace; powers, duties and jurisdiction of.	846 Powers of old council to continue until successors elected.
	847 Repealing old charter.
	848 Council to publish financial statement.

Jan. 21, 1864.

Boundaries.

As amended
March 13, 1884.

§ 778. s 1. All that district of country embraced in the following boundaries in Utah county, to-wit: Commencing on the west bank of Provo river, at a point where the north line of section seven, township six south of range three east intersects the said river, thence southerly along the west bank of the said river to a point where the north section line of section thirty-six, township six south of range two east intersects the said river, thence west to the northwest corner of section thirty-five, township six south of range two east, thence south to the north bank of Provo river, thence west along the north bank of said river to the shore of Utah Lake, thence southerly and easterly along the shore of said lake to a point where the quarter-section line running east and west through section eighteen township seven south of range three east intersects the shore of said lake, thence east to the east line of section seventeen, township seven south of range three east, then north to the northeast corner of section seventeen, township six south of range three east, thence west to the southwest corner of section eight, township six, south of range three east, thence north to the north-

west corner of said section eight, thence west to the point of beginning, shall be known and designated under the name and style of Provo city, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 779. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity; and in all actions whatsoever; to purchase, receive, hold, sell, lease, convey and dispose of property real and personal for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers of corporation.

§ 780. s 3. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, three aldermen, one from each ward, and five councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified.

Council to consist of mayor, three aldermen and five councilors

§ 781. s 4. An election shall be held on the second Monday in February next, and every two years thereafter, on said day, at which there shall be elected one mayor, three aldermen and five councilors; and the persons respectively receiving the highest number of votes cast in the city, for said offices, shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the city council.

Elections.

§ 782. s 5. The first election under this act shall be conducted in the following manner, to-wit: The county clerk of Utah county shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the probate judge of Utah county, at least one week previous to the day of election. Said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation for the faithful

First election how conducted

discharge thereof. The polls shall be open at eight o'clock a. m., and shall close at six o'clock p. m. At the close of the election the judges shall seal up the ballot box and the list of the names of the electors and transmit the same, within two days to the county clerk of Utah county. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them, and furnish within five days, to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the county clerk in presence of the probate judge.

Subsequent
elections, how
conducted.

§ 783. s 6. All subsequent elections held under this act shall be held, conducted and the returns thereof made as may be provided for by ordinance of the city council.

Meetings of
council, mayor
to preside.

§ 784. s 7. The city council shall be judge of the qualifications, elections and returns of their own members; and a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; the mayor shall preside when present, and have a casting vote; and in the absence of the mayor, any alderman present may be appointed to preside over said meeting.

Meetings of
council, stated
and special.

§ 785. s 8. The city council may hold stated meetings, and special meetings may be called by the mayor, or any two aldermen by notice to each of the members of said council, served personally or left at their usual place of abode.

Council to
appoint cer-
tain officers.

Amended,
Feb. 22, 1878.

§ 786. s 9. The city council shall have power to appoint a recorder (1) (who shall be the auditor of public accounts), supervisor of streets, surveyor, an attorney, a sexton, a sealer of weights and measures, and all such other officers as may be necessary; define their duties, remove them from office at pleasure, and fix and establish the fees of all officers, jurors and witnesses.

Elective
officers, how
removed.

§ 787. s 10. All officers elected in accordance with the fourth section [§ 414] of this act may be removed for cause from such office by a vote of two-thirds of the city council, and shall be furnished with the charges, and have an opportunity to be heard in his defense, and the council shall have

1) Made elective by act of February 22, 1878.

power to compel the attendance of witnesses, and the production of papers when necessary.

§ 788. s 11. When a vacancy shall happen by the death, Vacancies, how filled. resignation or removal of any officer, such vacancy may be filed by the city council, and every person elected or appointed to any office under this act shall, before he enters upon the duties thereof take and subscribe an oath or affirmation that he will support the Constitution of the United Officers to qualify. States, the laws of this Territory, and the ordinances of the city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and he may be required to give bonds as shall be prescribed by the city ordinances, which oath and bond shall be filed with the city recorder.

§ 789. s 12. The city council shall have power to divide Council to divide the city into wards. the city into wards, and specify the boundaries thereof, and when necessary create additional wards, and add to the number of aldermen and councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said city.

§ 790. s 13. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace, and when so qualified shall possess the same powers and jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city, by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the city treasury, and all fines and forfeitures arising under the laws of the Territory into the county treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city. Appeals may be had from any decision or judgment of a mayor or alderman's court in the same manner as are or may be provided by statute for appeals from justices' courts, and they shall account for, and pay over to the city treasurer within three months all fines and forfeitures received by them, by virtue of their office, and they shall keep a docket subject at all times to the inspection of the city council and all other parties interested.

§ 791. s 14. All process issued by the mayor or an alderman shall be directed to the marshal, or other legal officer, Process, how executed and served.

and in execution thereof, he shall be governed by such rules and regulations as may be provided by city ordinance.

Recorder's
duties.

§ 792. s 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of the city, and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city, and he is hereby authorized to take the acknowledgments of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinance.

Treasurer's
duties.

§ 793. s 16. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all funds that may come to his hand, by virtue of his office, upon orders signed by the auditor of public accounts: and shall report to the city council a true account of his receipts and disbursements, as they may require.

Powers of
council.

§ 794. s 17. The city council shall have power, within the city, by ordinance to annually levy and collect taxes on the assessed value of all property in the city made taxable by the laws of the Territory, for the following named purposes, to-wit: not to exceed five mills on the dollar for contingent expenses, nor to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. The city council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes and for furnishing the city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, control the water courses leading thereto, in the immediate vicinity thereof.

§ 795. s 18. The city council shall have the management and control of the finances and property of said city.

§ 796. s 19. To require and it is hereby made the duty of every male resident of the city, over the age of eighteen and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay one dollar and fifty cents for the day he shall be so bound to labor: *Provided*, it be paid within five days from

the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

§ 797. s 20. The council shall have power to borrow money for city purposes, the interest of which shall not exceed one-fourth of the city revenue arising from taxes of the previous year.

§ 798. s 21. The city council shall have power by ordinance to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or before the first Monday of April in each year, but the time may be extended or additions made thereto by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

Assessment roll, when returned; council to hear objections to.

§ 799. s 22. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of taxes to be collected; and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

Collector to be furnished tax list; shall collect, how.

§ 800. s 23. To appropriate and provide for the payment of the expenses and debts of the city.

Powers of council.

§ 801. s 24. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and around it, not exceeding twelve miles next beyond the boundaries thereof.

§ 802. s 25. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; [to declare what shall be nuisances, and prevent and remove the same.

§ 803. s 26. To provide the city with water; to dig wells, to lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires, and the convenience of the inhabitants.

§ 804. s 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar,

pitch, resin, or other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

§ 805. s 28. To exclusively control, regulate, repair, mend and clear the streets, alleys, bridges, sidewalks or cross walks, and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner and protect the same from any encroachment and injury.

§ 806. s 29. To provide for the lighting of streets and erecting lamp posts; to erect market houses and establish markets and market places, and provide for the government and regulation thereof.

§ 807. s 30. To provide for the erection of all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

As amended
March 13, 1884

§ 808. s 31. The city council of said city shall have power by ordinance and enforcement thereof, to license, tax, and regulate, or to absolutely prohibit the manufacture, sale, or giving away in any quantity of spirituous, vinous fermented, or other intoxicating liquors; *Provided*, That if any person, corporation or association of persons is authorized or permitted within said city to carry on the business in whole or in part mentioned in this section, then any other person, corporation, or association of persons not prohibited by the laws of the Territory, may carry on said business in like manner and under like restrictions and regulations.

As amended
March 13, 1884.

§ 809. s 32. To license, tax, and regulate auctioneers, merchants, retailers, groceries, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers, confectioners and fruit peddlers, also theatres, opera houses, music halls, shooting galleries, hotels and restaurants.

§ 810. s 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city.

§ 811. s 35. To license, tax, regulate suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys, or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of

gaming and all kinds of gambling; to prevent any riot, noise, disturbance or disorderly assemblages; and to restrain and punish vagrants, mendicants, beggars and prostitution.

§ 812. s 36. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

§ 813. s 37. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rate of portorage.

§ 814. s 38. To provide for the prevention and extinguishment of fires, to regulate the fixing of chimneys and the flues thereof, and stove pipes, and to organize and establish fire companies.

§ 815. s 39. To regulate and order parapet walls and other partition fences.

§ 816. s 40. To establish standard weights and measures and to regulate the weights and measures to be used in the city, in all cases not provided by law.

§ 817. s 41. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 818. s 42. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 819. s 43. To provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky and brandy, and all other spirituous or fermented liquors.

§ 820. s 44. To regulate the weight and quality and price of bread sold and used in the city.

§ 821. s 45. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

§ 822. s 46. To provide for taking the enumeration of the inhabitants of the city; to regulate the burial of the dead,

and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises.

§ 823. s 47. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals, to compel persons to put up posts in front of their lots to fasten their horses and other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, whilst standing or remaining in the streets.

§ 824. s 48. To prevent the incumbering of the streets or sidewalks, lanes, alleys and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobes or any material or substance whatever.

§ 825. s 49. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 826. s 50. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place to cleanse, remove or abate the same from time to time, as oft as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 827. s 51. To direct the location and management of, and regulate breweries and tanneries; and to direct the location, management and construction of and restrain or prohibit within the city distilleries, slaughtering establishments and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 828. s 52. To prevent any person from bringing, depositing or having within the limits of the city any dead carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substance or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the removal or destruction of the same by any officer of said city.

§ 829. s 53. To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

§ 830. s 54. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, performances and devices tending to disturb the peace and quiet of the said city.

§ 831. s 55. To grant and issue licenses and direct the manner of issuing and registering thereof. Bonds may be taken on the granting of licenses, for the due observance of the ordinances of the city council.

§ 832. s 56. To require every merchant, retailer, trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

§ 833. s 57. The city council shall have power to make such ordinances and resolutions, not contrary to the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties not exceeding one hundred dollars or imprisonment not to exceed six months, or both.

§ 834. s 58. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution and laws of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

§ 835. s 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or

by compelling them to labor on the streets or other public works until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Ordinances to
be published. § 836. s 60. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances
how proven. § 837. s 61. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book form, purporting to be printed or published by the authority of the city council, the same shall be received in evidence in all courts or places without further proof.

Property how
taken for
streets. § 838. s 62. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 839. s 63. All jurors impaneled to enquire into the amounts of benefit or damages that shall happen to the owners of property so proposed to be taken shall first be sworn to that effect, and shall return to the mayor or presiding officer of the city council, their inquest in writing, signed by each juror.

Saving clauses § 840. s 64. All ordinances, resolutions and regulations now in force in Provo city, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

§ 841. s 65. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the ordinance incorporating Provo city, shall be vested in and prosecuted by the corporation hereby created.

§ 842. s 66. All plots and surveys of lands, lots or other places within said city, heretofore surveyed by the surveyor; and all plots and surveys of lands, lots or other places that may be hereafter surveyed, and all certificates of surveys given by him shall be deemed valid by this act.

§ 843. s 67. All property now belonging to Provo city is hereby vested in the corporation created by this act; and the officers of said corporation now in force, shall respectively continue in the same, until superseded in conformity to the provisions thereof, but shall be governed by this act.

§ 844. s 68. This act shall not invalidate any act done by the present city council of Provo city, or by its officers, nor divest their successors under this act of any right, property or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act.

§ 845. s 69. All officers of the city, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace; commit for examination, and, if necessary, detain such persons in custody forty-eight hours in the city prison or other safe place; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

Conservators of the peace, powers and duties of.

§ 846. s 70. Nothing in this act shall be so construed as to deprive the present city council of Provo city of any power or authority conferred upon them by the ordinance incorporating said city and the act amendatory thereto, but said city council shall possess, exercise and enjoy all the powers and authority heretofore conferred upon them, except so far as such powers and authority have been expressly modified or repealed by this act, until said city council are superseded by the election and qualification of their successors under this act.

Powers of old council continued until successors elected.

§ 847. s 71. That an ordinance to incorporate Provo city, approved February 6, 1851, be and is hereby repealed, and an act in relation to the assessment, collection and expenditure of a tax for road and other purposes, within incorporated cities, approved June 4, 1853, so far as the same applies to Provo city, be and is hereby repealed.

Repealing old charter.

§ 848. s 72. The city council shall cause to be published in some newspaper published in Provo city, or posted up in three public places on or before the first day of December in each year, a statement of the amount of the city revenue, specifying in said statement whence derived and for what disbursed.

Council to publish financial statement.

ALPINE.

SECTION.	SECTION.
849 Boundaries; corporation formed; seal.	885 Justices of the peace, powers and duties of.
850 Powers of corporation.	886 Jurisdiction of justices.
851 Council to consist of mayor, two aldermen, three councilors.	887 Meetings of council.
852 Members of council to qualify.	888 Process, how directed and served.
853 Elections.	889 Duty of recorder.
854 Who entitled to vote.	890-891 Property for streets, how taken.
855-882 Powers of council.	892 Mayor guilty of omission of duty to be indicted.
883 Ordinances to be published.	893 Council may punish offenders by imprisonment.
884 Ordinances, how proven.	

Jan. 19, 1855.
Boundaries.

§ 849. s 1. All that district of Utah county embraced in the following boundaries, to-wit: Beginning at a point one mile east of the centre of Mountainville Fort, thence south one mile, thence west two miles, thence north two miles, thence east two miles, thence south one mile to the place of beginning shall be known and designated as Alpine city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Corporation
formed, seal.

Powers of
corporation.

§ 850. s 2. The inhabitants of said city, by the name and style aforesaid shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes, for the use of the inhabitants of said city; to sell, lease, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to
consist of
mayor, two
aldermen and
three council-
ors.

§ 851. s 3. There shall be a city council, to consist of a mayor, two aldermen and three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns

of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

§ 852. s 4. The mayor, aldermen and councilors, before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to best of their skill and abilities.

Members of council to qualify.

§ 853. s 5. An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, eighteen hundred and sixty-three, and every two years thereafter; and shall be held, conducted and returns thereof made in such manner as shall be provided for by the ordinances of the city council.

Elections.

Amended March 11, 1886.

§ 854. s 6. All free white male inhabitants who are of the age of eighteen years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Who entitled to vote.

§ 855. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding five mills on the dollar per annum upon the assessed value thereof, and may enforce the payment of the same by ordinance.

Powers of Council.

§ 856. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

Amended. Feb. 22, 1878.

§ 857. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 858. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United

States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of the city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies, that may happen by death, resignation or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or from misconduct therein; to divide the city into wards, and specify the boundaries thereof.

§ 859. s 11. To establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half the city revenue arising from taxes assessed on real estate within the city.

§ 860. s 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

§ 861. s 13. To provide for the payment of the expenses and debts of the city.

§ 862. s 14. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and to prevent and remove the same.

§ 863. s 15. To provide the city with water; to dig wells, lay pump logs and pipes and erect pumps in the streets for extinguishment of fires and convenience of the inhabitants.

§ 864. s 16. To open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

§ 865. s 17. To provide for the lighting of the streets and erecting lamp posts; and establish, support and regulate night watches; to erect market houses; establish market and market places and to provide for the government and regulation thereof.

§ 866. s 18. To provide for erecting all needful buildings for the use of the city, and for inclosing, improving and regulating all public grounds belonging to the city; to regulate and control the live trees and shrubbery, and the water courses, and water privileges in the city, and, so far as may be necessary, the water courses leading thereto in the immediate vicinity thereof.

§ 867. s 19. To license, tax and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

§ 868. s 20. To license, tax and regulate hacking, carriages, wagons, carts and drays; and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rate of portorage.

§ 869. s 21. To license, tax, and regulate theatricals and other exhibitions, shows and amusements.

§ 870. s 22. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 871. s 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof and stove pipes, and to organize and establish fire companies.

§ 872. s 24. To regulate the storage of gunpowder, tar, pitch, resin and other combustible materials.

§ 873. s 25. To regulate and order parapet walls and other partition fences; to wall in the city or any part thereof; to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinances.

§ 874. s 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 875. s 27. To provide for the inspection and measuring of lumber and other building materials; and for the measurement of all kinds of mechanical work.

§ 876. s 28. To provide for the inspection and weighing of hay, lime, pit coal, and measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 877. s 29. To license, regulate, prohibit or restrain the manufacturing, selling, or giving away of spirituous, vinous or fermented liquors [license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors; to provide for and regulate the inspection of tobacco and of beef, pork, flour and meal; also beer and whisky, brandy and all other spirituous and fermented liquors.

§ 878. s 30. To regulate the weights, quality and price of bread sold and used in the city.

§ 879. s 31. To provide for taking the enumeration of the inhabitants of the city.

§ 880. s 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others for services rendered under this act or any city ordinance.

§ 881. s 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables and from one to twenty pin alleys and every other description of gaming or gambling.

§ 882. s 34. The city council shall have exclusive power within the city, by ordinance, to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery of such fines and forfeitures and the enforcement of such penalties; and to pass such ordinances as may be necessary and proper to carry into effect and execution the powers specified in this act: *Provided*, that such ordinances are not repugnant to the Constitution of the United States or the laws of this Territory.

Ordinances to
be published.

§ 883. s 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances,
how proven.

§ 884. s 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof.

§ 885. s 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall

have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned, as justices of the peace in and for said city, by the Governor.

§ 886. s 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, in the same manner as appeals are taken from justices of the peace.

§ 887. s 39. The city council may sit at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

§ 888. s 40. All process issued by the mayor or aldermen shall be directed to the marshal, and in the execution thereof he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

§ 889. s 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and he shall perform such other duties as may be required of him by the ordinances of the city council.

§ 890. s 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 891. s 43. All jurors, impaneled to enquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Mayor, guilty
of omission of
duty, to be in-
dicted.

§ 892. s 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to indictment, and, on conviction, he shall be liable to fine and imprisonment; and the court shall have power, on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Council may
punish offend-
ers by im-
prisonment.

§ 893. s 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor upon the streets or other public works until the same shall be fully paid, in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

LEHI.

SECTION.

- 894 Boundaries, corporation formed, seal.
 895 Powers of corporation.
 896 Council to consist of mayor, two aldermen, three councilors.
 897 Members of council to qualify.
 898 Elections.
 899 Who entitled to vote.
 900-927 Powers of council.
 928 Ordinances to be published.
 929 Ordinances, how proven.
 930 Mayor and aldermen conservators of the peace.

SECTION.

- 931 Jurisdiction of.
 932 Meetings of council.
 933 Process, how directed and served.
 934 Recorder's duties.
 935-936 Property, how taken for streets.
 937 Mayor to be indicted for omission of duty, etc.
 938 Council may punish offenders by imprisonment, etc.
 939-942 Powers of council.

§ 894. s 1. All that portion of Utah county bounded Feb. 5, 1852. as follows, to-wit: Commencing at the head of Jordan river; Boundaries. thence easterly along the northern shore of Utah Lake to the mouth of Spring creek; thence up said Spring creek to the south line of section sixteen, township five, south of range one east, Salt Lake meridian; thence east along the south line of said section sixteen to the southeast corner thereof; thence north to the northeast corner of the southeast quarter of section thirty-three, township four, south of range one east; Amended Feb. 23, 1882. thence west to the Jordan river; thence up said river on the east side to the point of beginning, is hereby incorporated into a city, which shall be called Lehi city, and the inhabitants thereof are hereby constituted a body corporate and politic by the name and style aforesaid, and shall have perpetual succession and may have and use a common seal which Corporation formed, seal. they may change and alter at pleasure.

§ 895. s 2. The inhabitants of said city, by the name Powers of corporation. and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to

improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor, two aldermen, three councilors.

§ 896. s 3. There shall be a city council, to consist of a mayor, two aldermen, three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Members of council to qualify.

§ 897. s 4. The mayor, aldermen and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 898. s 5. An election, for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter; and shall be held, conducted and returns thereof made in such manner as shall be provided for by the ordinances of the city council.

Who entitled to vote.

§ 899. s 6. All inhabitants who are of the age of twenty-one years, who are entitled to vote for Territorial officers and who shall have been actual residents of said city sixty days next preceeding said election, shall be entitled to vote for city officers.

Powers of council.

§ 900. s 7. The city council shall have authority to levy and collect taxes, for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half [of one] per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

Amended February 22, 1878.

§ 901. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have power to appoint all such officers, by ordinance, as may be neces-

sary, define the duties of all city officers, and remove them from office at pleasure.

§ 902. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties; such as may be deemed expedient; and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 903. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies, that may happen by death, resignation, removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines, not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or from misconduct therein; to divide the city into wards and specify the boundaries thereof.

§ 904. s 11. To establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real estate within this corporation.

§ 905. s 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

§ 906. s 13. To appropriate and provide for the payment of the expenses and debts of the city.

§ 907. s 14. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and to prevent and remove the same.

§ 908. s 15. To provide the city with water; to dig wells, lay pump logs and pipes and erect pumps in the streets for the extinguishment of fires and convenience of the inhabitants.

§ 909. s 16. To open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

§ 910. s 17. To provide for the lighting of the streets and erecting lamp posts; and establish, support and regulate night watches; to erect market houses; establish market and market places and to provide for the government and regulation thereof.

§ 911. s 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city.

§ 912. s 19. To license, tax and regulate auctioneers, merchants and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

§ 913. s 20. To license, tax and regulate hacking, carriages, wagons, carts and drays; and fix the rates to be charged for the cartage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rate of portorage.

§ 914. s 21. To license, tax, and regulate theatricals and other exhibitions, shows and amusements.

§ 915. s 22. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 916. s 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flumes thereof and stove pipes, and to organize and establish fire companies.

§ 917. s 24. To regulate the storage of gunpowder, tar, pitch, resin and other combustible materials.

§ 918. s 25. To regulate and order parapet walls and other partition fences; to restrain, regulate and prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 919. s 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 920. s 27. To provide for the inspection and measuring of lumber and other building materials; and for the measurement of all kinds of mechanical work.

§ 921. s 28. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 922. s 29. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors: to provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky, brandy and other spirituous or fermented liquors.

§ 923. s 30. To regulate the weight, quality and price of bread sold and used in the city.

§ 924. s 31. To provide for taking the enumeration of the inhabitants of the city.

§ 925. s 32. To fix the compensation of all city officers and regulate the fees of jurors, witnesses and others for services rendered under this or any city ordinance.

§ 926. s 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables and from one to twenty pin alleys and every other description of gaming or gambling.

§ 927. s 34. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges; to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution the powers specified in this act: *Provided*, such ordinances are not repugnant to the Constitution of the United States or the laws of this Territory.

Ordinances to
be published.

§ 928. s 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances
how proven

§ 929. s 36. All ordinances of the city may be proven by the seal of the corporation and, when printed or published in book or pamphlet form, purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Mayor and al-
dermen con-
servators of
the peace.

§ 930. s 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace, and be commissioned, as other justices of the peace in and for said city, by the Governor.

Jurisdiction of

§ 931. s 38. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, in the same manner as appeals are taken from justices of the peace.

Meetings of
council.

§ 932. s 39. The city council may sit at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Process, how
directed and
served.

§ 933. s 40. All process issued by the mayor or aldermen shall be directed to the marshal, and in the execution thereof he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Recorder's
duties.

§ 934. s 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council and of all their proceedings in their corporate

capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council.

§ 935. s 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Property, how taken for streets.

§ 936. s 43. All jurors, impaneled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

§ 937. s 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to indictment, and, on conviction, he shall be liable to fine and imprisonment; and the court shall have power, on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Mayor to be indicted for omission of duty, etc.

§ 938. s 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor upon the streets or other public works until the same shall be fully paid, in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Council may punish offenders by imprisonment.

§ 939. s 1. The city council is hereby authorized and empowered to regulate and control the water running into or through or arising in said city used for domestic and irrigating purposes, and may regulate the use of water used for manufacturing purposes, and may annually assess and collect a tax from individuals in proportion to the amount of water used by each, and expend said tax in controlling, regulating and supplying said city with water for domestic, irrigating and manufacturing purposes; *Provided*, That nothing herein con-

March 11, 1886.
Powers of council.

tained shall be so construed as to interfere with the water rights accrued by priority of appropriation.

§ 940. s 2. The city council shall have power to direct and control the location of railroad tracks hereafter laid within the city, and regulate the rate of speed at which the trains run within the inhabited portions of the city, and to regulate and control the location of gas works, telegraph and telephone poles, and all improvements of a similar nature.

§ 941. s 3. The city council shall have power and is hereby authorized by ordinance, and enforcement thereof within the corporate limits, to regulate, restrain or prohibit the running at large of horses, mules, cattle, sheep, swine, goats and all kinds of poultry; and when so running at large, to distrain, impound, and sell the same for the penalty and costs incurred therein, and impose penalties by fine upon the owners of the same, for violation of such ordinance; *Provided*, That the proceeds of such sale shall be paid into the treasury of the county, wherein such city is located, less the amount of costs and expenses incurred in distraining, impounding and selling the same, and such proceeds shall be used as provided in section 408 of the Compiled Laws of Utah.

§ 942. s 4. The city council shall have power within the city by ordinance and enforcement thereof, annually to levy and collect a tax on the assessed value of all the property made taxable by the laws of the Territory of Utah for the following named purpose, to-wit: not to exceed five mills on the dollar, to open, improve and keep in repair the streets of the city.

AMERICAN FORK.

SECTION.	SECTION.
943 Boundaries, corporation formed; seal.	979 Mayor and aldermen conservators of the peace; powers and duties of.
944 Powers of corporation.	980 Jurisdiction of mayor and alder- men.
945 Council to consist of mayor, two aldermen, three councilors.	981 Meetings of council.
946 Members of council to qualify.	982 Process, how issued and served.
947 Election.	983 Recorder's duties.
948 Who entitled to vote.	984-985 Property, how taken for streets.
949-976 Powers of council.	986 Mayor to be indicted for omission of duty, etc.
977 Ordinances must be published.	987 Powers of council.
978 Ordinances, how proven.	

§ 943. s 1. All that district of Utah county embraced in the following boundaries, to-wit: Beginning at the shore of Utah Lake, sixty rods east from the west line of township five, south of range two east, Salt Lake meridian; thence north to the south side of section seven, township five, south of range two east, thence west sixty rods, thence north along said township line to the north boundary of said township, thence west along the north boundary line of township five, south of range one east to the east side of section four, thence south to Utah Lake, thence easterly along the shore of said lake to the place of beginning, shall be known and designated as American Fork city, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure.

June 4, 1853.

Boundaries.

Amended

Feb. 23, 1882.

Corporation
formed, seal.

§ 944. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers of
corporation.

Council to consist of mayor, two aldermen, three councilors.

§ 945. s 3. There shall be a city council, to consist of a mayor, two aldermen and three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Members of council to qualify.

§ 946. s 4. The mayor, aldermen and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

Election.

§ 947. s 5. An election for the election of one mayor, two aldermen and three councilors shall be held on the second Monday of February, 1863; and every two years thereafter, and shall be held, conducted and returns thereof made in such manner as shall be provided for by the ordinances of the city council.

Who entitled to vote.

§ 948. s 6. All inhabitants who are of the age of eighteen [twenty-one] years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Powers of council.

§ 949. s 7. The city council shall have authority annually to levy and collect taxes upon the assessed value of all taxable property, real and personal, within the limits of said city, not to exceed one-half of one per cent., to defray the contingent expenses of the city, and not to exceed one-fourth of one per cent. to open, widen and improve and keep in repair the streets of the city, and may enforce the payment of the same, by ordinance consistent with the laws of this Territory.

Amended March 11, 1886.

Amended Feb. 22, 1878.

§ 950. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have power to appoint all such other officers by ordinance as may be necessary, define the duties of the city officers and remove them from office at pleasure.

§ 951. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 952. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines, not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards and specify the boundaries thereof.

§ 953. s 11. To establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real estate within this corporation.

§ 954. s 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

§ 955. s 13. To appropriate and provide for the payment of expenses and debts of the city.

§ 956. s 14. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and to prevent and remove the same.

§ 957. s 15. To provide the city with water; to dig wells, lay pump logs and pipes and erect pumps in the streets

Amended
March 11, 1886

for the extinguishment of fires and the convenience of the inhabitants; to control and regulate the water running into, or through or arising in said city, used for domestic and irrigating purposes, and may regulate the use of water for milling and manufacturing purposes, and annually assess and collect a tax from individuals in proportion to the amount of water used by each, and expend said tax in controlling, regulating and supplying said water for domestic, irrigating, milling and manufacturing purposes; *Provided*, That nothing herein contained shall be so construed as to interfere with water rights accrued by priority of appropriation.

§ 958. s 16. To open, widen, alter, extend, establish, grade, pave or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

§ 959. s 17. To provide for the lighting of the streets and erecting lamp posts; and establish, support and regulate night watches, to erect market houses, establish markets and market places, and provide for the government and regulation thereof.

§ 960. s 18. To provide for erecting all needful buildings for the use of the city and for enclosing, improving and regulating all public grounds belonging to the city.

§ 961. s 19. To license, tax and regulate auctioneers, merchants and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

§ 962. s 20. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cartage, and drayage of property; as also to license and regulate porters and fix the rates of portorage.

§ 963. s 21. To license, tax and regulate theatricals and other exhibitions, shows and amusements.

§ 964. s 22. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 965. s 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof and stove pipes, and to organize and establish fire companies.

§ 966. s 24. To regulate the storage of gunpowder, tar, pitch, resin and other combustible materials.

§ 967. s 25. To regulate and order parapet walls and other partition fences; to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs and to authorize the destruction of the same, when at large contrary to city ordinances; to authorize the distraining, impounding or sale of cattle, horses, mules, asses, sheep, swine or poultry (when found running at large) for the damages and costs incurred thereby, and to impose penalties by fine upon the owner of the same for any violation of city ordinance in relation thereto; *Provided*, That the proceeds of such sale shall be paid into the treasury of the county wherein such city is located (less the amounts of costs and expenses incurred in distraining, impounding and selling the same) for the benefit of district schools in said county.

Amended
March 11, 1876.

§ 968. s 26. To establish standard weights and measures and regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 969. s 27. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 970. s 28. To provide for the inspection and weighing of hay, lime and stone coal, and measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 971. s 29. To license, regulate, prohibit, or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, (to license and regulate) tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors; to provide for and regulate the inspection of tobacco, beef, pork flour and meal; also beer, whisky, brandy, and all other spirituous or fermented liquors.

§ 972. s 30. To regulate the weight, quality and price of bread sold and used in the city.

§ 973. s 31. To provide for taking the enumeration of the inhabitants of the city.

§ 974. s 32. To fix the compensation of all city officers, and regulate the fees of jurors, witness and others for service rendered under this or any city ordinance.

§ 975. s 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or

restrain billiard tables, and from one to twenty pin alleys and every other description of gaming or gambling.

§ 976. s 34. The city council shall have exclusive power within the city, by ordinance, to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties; and to pass such ordinances as may be necessary and proper to carry into effect and execution the powers specified in this act: *Provided*, such ordinances are not repugnant to the Constitution of the United States or the laws of this Territory.

Ordinances
must be pub-
lished.

§ 977. s 35. All ordinances passed by the city council shall, within one month after they shall have been passed be published in some newspaper, printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances,
how proven.

§ 978. s 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places without further proof.

Mayor and al-
dermen to be
conservators
of the peace,
powers and
duties of.

§ 979. s 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the Territory. They shall as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned, as justices of the peace in and for said city, by the Governor.

Jurisdiction.

§ 980. s 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city in the same manner as appeals are taken from justices of the peace.

Meetings of
council.

§ 981. s 39. The city council may sit at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

§ 982. s 40. All process issued by the mayor or aldermen shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Process how directed and executed.

§ 983. s 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and he shall perform all other duties as may be required of him by the ordinances of the city council.

Recorder's duties.

§ 984. s 42. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Property, how taken for streets.

§ 985. s 43. All jurors, impaneled to inquire into the amounts of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect; and shall return to the mayor their inquest in writing, signed by each juror.

§ 986. s 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to indictment; and, on conviction, he shall be liable to fine and imprisonment, and the court shall have power, on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Mayor to be indicted for omission of duty, etc.

§ 987. s 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works until the same shall be fully paid, in all cases where such offenders

Powers of council.

or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Amendment
of March 13,
1884.

§ 988. s 46. That the city council of American Fork city shall have power to direct and control the location of railroad tracks hereafter laid within said city; and to regulate and control the location of gas works, canals for irrigation and other purposes, telegraph and telephone poles, and all improvements of a similar nature.

§ 989. s 47. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and to authorize the distraining, impounding thereof, and may sell the same for the penalty and cost incurred thereon by fine imposed upon the owners of the same for any violation of city ordinance in relation thereto; *Provided*, That the proceeds of such sale shall be paid into the treasury of the county wherein said city is located, less the amount of costs and expenses incurred in distraining, impounding, and selling the same, to be used as provided for in section 408 of the Compiled Laws of Utah; *Provided further*, That such costs and expenses shall not exceed those provided for in section 413, Compiled Laws of Utah, for similar services. (1)

(1) See § 25 of this act.

PLEASANT GROVE.

SECTION.

- 990 Boundaries;
corporation formed; seal.
- 991 Powers of corporation.
- 992 Council to consist of mayor,
two aldermen, three councilors.
- 993 Members of council to qualify.
- 994 Elections.
- 995 Qualification of electors.
- 996-1024 Powers of council.
- 1025 Ordinances to be published.
- 1026 Ordinances, how proven.

SECTION.

- 1027 Mayor and aldermen, conserv-
ators of the peace; powers and
duties of.
- 1028 Jurisdiction of mayor and alder-
men.
- 1029 Meetings of council.
- 1030 Process, how directed and served
- 1031 Recorder's duties.
- 1032-1033 Property, how taken for
streets.
- 1034 Mayor to be indicted for omis-
sion of duty, etc.
- 1035 Powers of council.

§ 990. s 1. All that district of Utah county embraced in the following boundaries to-wit: Beginning at the southeast corner of American Fork city corporation; thence running in a southerly direction along the shore of Utah Lake to the township line between townships five and six south of range two east Salt Lake meridian; thence east to the base of the mountains; thence along the base of the mountain to the south bank of the American creek, near the mouth of the canyon; thence down the south bank of said creek to a point directly north of the northeast corner of American Fork city corporation; thence south to the place of beginning, shall be known and designated as Pleasant Grove city, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure.

Boundaries.

Amended
March 11, 1886.

Corporation
formed, seal.

§ 991. s 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to

Powers of
corporation.

improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor, two aldermen, three councilors.

§ 992. s 3. There shall be a city council, to consist of a mayor, two aldermen, and three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof; and shall hold their offices for two years, and until their successors be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Members of council to qualify.

§ 993. s 4. The mayor, aldermen and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

Elections.

§ 994. s 5. An election, for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and the returns thereof made in such manner as shall be provided for by the ordinances of the city council.

Qualifications of electors.

§ 995. s 6. All inhabitants of the age of eighteen [twenty-one] years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Amended March 11, 1886.
Powers of council.

§ 996. s 7. The city council of said city shall have authority to annually levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one per cent. per annum, upon the assessed value thereof; and may enforce the payment of the same by ordinance.

Amended, Feb. 22, 1878.

§ 997. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 998. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 999. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of the city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines, not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept any office in or under the corporation, or for misconduct therein; to divide the city into wards and specify the boundaries thereof.

§ 1000. s 11. To establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real estate, within the city.

§ 1001. s 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

§ 1002. s 13. To appropriate and provide for the payment of the expenses and debts of the city.

§ 1003. s 14. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and to prevent and remove the same.

§ 1004. s 15. To provide the city with water, to dig wells, lay pump logs and pipes, and erect pumps in the street

for the extinguishment of fires and convenience of the inhabitants.

§ 1005. s 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

§ 1006. s 17. To provide for the lighting of the streets and erecting lamp posts, and establish, support and regulate night watches; to erect market houses, establish markets and market places and provide for the government and regulation thereof.

§ 1007. s 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city; to regulate and control the live trees and shrubbery and the water courses and water privileges in the city and, so far as may be necessary, the water courses leading thereto in the immediate vicinity thereof.

§ 1008. s 19. To license, tax and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

§ 1009. s 20. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carrying of persons and for wagonage, cartage and drayage of property, as also to license and regulate porters and fix the rates of portorage.

§ 1010. s 21. To license, tax, and regulate theatricals and other exhibitions, shows and amusements.

§ 1011. s 22. To tax, restrain, prohibit and restrain tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 1012. s 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof and stove pipes; and to organize and establish fire companies.

§ 1013. s 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustibile materials.

§ 1014. s 25. To regulate and order parapet walls and other partition fences; to wall in the city or any part thereof.

§ 1015. The city council shall have power, and is hereby authorized by ordinance and enforcement thereof, within the corporate limits of said city, to regulate, restrain,

or prohibit the running at large of horses, mules, cattle, sheep, swine, goats, and all kinds of poultry, and when so running at large, to distrain, impound and sell the same for the penalty and costs incurred therein, and impose penalties by fine upon the owner of the same for violation of such ordinance: *Provided*, That the proceeds of such sale shall be paid into the treasury of the county wherein such city is located, (less the amounts of costs and expenses incurred in distraining, impounding and selling the same,) for the benefit of district schools in said county; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when running at large contrary to city ordinances.

§ 1016. s 26. To establish standard weights and measures and to regulate the weights and measures to be used in the city in all cases not provided for by law.

§ 1017. s 27. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 1018. s 28. To provide for the inspection and weighing of hay, lime and pit coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 1019. s 29. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors; to provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky, brandy and all other spirituous and fermented liquors.

§ 1020. s 30. To regulate the weights, quality and price of bread sold and used in the city.

§ 1021. s 31. To provide for taking the enumeration of the inhabitants of the city.

§ 1022. s 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others for services rendered under this act or any city ordinance.

§ 1023. s 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables and from one to twenty pin alleys and every other description of gaming or gambling.

§ 1024. s 34. The city council shall have exclusive power within the city, by ordinance, to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures and the enforcement of such penalties; and to pass such ordinances as may be necessary and proper to carry into effect and execution the powers specified in this act: *Provided*, that such ordinances are not repugnant to the Constitution of the United States or the laws of this Territory.

Ordinances
must be pub-
lished.

§ 1025. s 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances,
how proven.

§ 1026. s 36. All ordinances of the city may be proven by the seal of the corporation: and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places without further proof.

Mayor and
aldermen con-
servators of
the peace,
powers, and
duties of.

§ 1027. s 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace in and for said city, by the Governor.

Jurisdiction of
mayor and al-
dermen.

§ 1028. s 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen; arising under the ordinances of said city, in the same manner as appeals are taken from justices of the peace.

Meetings of
council.

§ 1029. s 39. The city council may sit at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

§ 1030. s 40. All process issued by the mayor or aldermen shall be directed to the marshal, and in the execution thereof he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Process, how directed and served.

§ 1031. s 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and he shall perform all other duties as may be required of him by the ordinances of the city council.

Recorder's duties.

§ 1032. s 42. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Property how taken for streets.

§ 1033. s 43. All jurors impaneled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

§ 1034. s 44. In case the mayor shall at any time, be guilty of any palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to indictment; and, on conviction, he shall be liable to fine and imprisonment; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court, that he be removed from office.

Mayor to be indicted for omission of duties, etc.

§ 1035. s 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor upon the streets or other public works until the same shall be fully paid, in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Powers of council.

SPRINGVILLE.

SECTION.

- 1036 Boundaries;
corporation formed; seal.
- 1037 Powers of corporation.
- 1038 Council to consist of mayor, two
aldermen, three councilors.
- 1039 Members of council must qualify
- 1040 Elections, when held and how
conducted.
- 1041 Qualification of electors.
- 1042-1069 Powers of council.
- 1070 Ordinances to be published.
- 1071 Ordinances, how proven.

SECTION.

- 1072 Mayor and aldermen conserva-
tors of the peace; powers and
duties of.
- 1073 Jurisdiction of mayor and alder-
men.
- 1074 Meetings of council.
- 1075 Process, how directed and served
- 1076 Recorder's duties.
- 1077-1078 Property, how taken for
streets.
- 1079 Mayor to be indicted for omis-
sion of duty, etc.
- 1080-1088 Powers of council.
- 1089 Mayor, powers and duties of.

Feb. 13, 1885.

Boundaries.

Jan. 14, 1867,
and Feb. 22,
1878.Corporation
formed, seal.Powers of
corporation.

§ 1036. s 1. All that district of country embraced in the following boundaries, to-wit: Beginning at the southeast corner of Provo city incorporation, thence due east to the summit of the mountains, thence in line of summit of said mountains to a point due east to its intersection with the section line between sections twelve and thirteen, in township eight, south of range three east, Salt Lake meridian, thence west on said section line to the northwest corner of section sixteen, thence north forty-five degrees, west to the Utah Lake, thence northerly along the lake shore to the southwest corner of Provo city incorporation, thence east in line of Provo city incorporation to the place of beginning, shall be known and designated under the name and style of Springville; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 1037. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to

improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 1038. s 3. There shall be a city council, to consist of a mayor, two aldermen and three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Council to consist of mayor two aldermen, and three councilors.

§ 1039. s 4. The mayor, aldermen and councilors, before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Members of council must qualify.

§ 1040. s 5. An election, for the election of one mayor, two aldermen and three councilors shall be held on the first Monday in August, one thousand eight hundred and sixty-seven, and every two years thereafter, and shall be held, conducted and returns thereof made in such manner as shall be provided for by the ordinances of the city council.

Elections, when held and how conducted.

§ 1041. s 6. All inhabitants who are of the age of eighteen [twenty-one] years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Qualifications of electors.

§ 1042. s 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding [one-half of] one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be provided by ordinance not repugnant to the Constitution of the United States and the laws of the Territory.

Powers of council.

§ 1043. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance as may be neces-

Amended Feb. 22, 1878.

sary, define the duties of all city officers and remove them from office at pleasure.

§ 1044. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1045. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation not herein established; to impose such fines, not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards and specify the boundaries thereof.

§ 1046. s 11. To establish, support and regulate common schools; to borrow money on the credit of the city; *Provided*, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real estate within this corporation.

§ 1047. s 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

§ 1048. s 13. To appropriate and provide for the payment of the expenses and debts of the city.

§ 1049. s 14. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and to prevent and remove the same.

§ 1050. s 15. To provide the city with water, to dig wells, lay pump logs and pipes and erect pumps in the streets for the extinguishment of fires and convenience of the inhabitants.

§ 1051. s 16. To open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

§ 1052. s 17. To provide for the lighting of the streets and erecting lamp posts, and to establish, support and regulate night watches; to erect market houses, establish markets and market places and provide for the government and regulation thereof.

§ 1053. s 18. To provide for erecting all needful building for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city.

§ 1054. s 19. To license, tax and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

§ 1055. s 20. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property, as also to license and regulate porters and fix the rates of portorage.

§ 1056. s 21. To license, tax and regulate theatricals and other exhibitions, shows and amusements.

§ 1057. s 22. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 1058. s 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof and stove pipes; and to organize and establish fire companies.

§ 1059. s 24. To regulate the storage of gunpowder, tar, pitch, resin and other combustible materials.

§ 1060. s 25. To regulate and order parapet walls and other partition fences; to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinances.

§ 1061. s 26. To establish standard weights and meas-

ures and regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 1062. s 27. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 1063. s 28. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, fire wood and other fuel to be sold or used within the city.

§ 1064. s 29. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors; to provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky, brandy and all other spirituous and fermented liquors.

§ 1065. s 30. To regulate the weight, quality and price of bread sold and used in the city.

§ 1066. s 31. To provide for taking the enumeration of the inhabitants of the city.

§ 1067. s 32. To fix the compensation of all city officers and regulate the fees of jurors, witnesses and others for services rendered under this or any city ordinance.

§ 1068. s 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables and from one to twenty pin alleys and every other description of gaming or gambling.

§ 1069. s 34. The city council shall have exclusive power within the city, by ordinance, to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures and the inforcement of such penalties; and to pass such ordinances as may be necessary and proper to carry into effect and execution the powers specified in this act: *Provided*, that such ordinances are not repugnant to the Constitution of the United States or the laws of this Territory.

Ordinances to
be published.

§ 1070. s 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in said city, or certified

copies thereof be posted up in three of the most public places in the city.

§ 1071. s 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proofs.

Ordinances,
how proven.

§ 1072. s 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned, as justices of the peace in and for said city, by the Governor.

Mayor and
aldermen con-
servators of
the peace.

Powers
and duties of.

§ 1073. s 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, in the same manner as appeals are taken from justices of the peace.

Jurisdiction of
mayor and al-
dermen.

§ 1074. s 39. The city council may sit at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Meetings of
council.

§ 1075. s 40. All process issued by the mayor, or aldermen, shall be directed to the marshal, and, in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Process, how
directed and
served.

§ 1076. s 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council.

Recorder's
duties.

§ 1077. s 42. When it shall be necessary to take private

Property
how taken for
streets.

property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 1078. s 43. All jurors, impaneled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Mayor to be
indicted for
omission of
duty, etc.

§ 1079. s 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to indictment, and, on conviction, he shall be liable to fine and imprisonment; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court, that he be removed from office.

Powers of
council.

§ 1080. s 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor upon the streets or others public works, until the same shall be fully paid, and in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Feb. 22, 1878.

§ 1081. s 2. The city council of Springville shall have power and authority to direct and control the location of railroad tracks and depot grounds as may be desired within the limits of plat A in said city.

§ 1082. s 3. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals; to compel persons to put up posts in front of their lots, to fasten their horses or other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles while standing or remaining in the streets.

§ 1083. s 4. To prevent the encumbering of the streets or sidewalks, lanes, alleys and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds,

wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobes or any material or substance whatever.

§ 1084. s 5. To prevent or regulate the rolling of hoops, playing at ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams or horses.

§ 1085. s 6. To regulate and license or prohibit butchers and to revoke their license for malconduct in the course of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city; and to regulate or prohibit slaughter yards within the inhabited portions of the city.

§ 1086. s 7. To require, and it is hereby made the duty of every able-bodied male resident of the city, over the age of twenty-one and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay one dollar and fifty cents for the day he shall be so bound to labor: *Provided*, It be paid within ten days from the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

§ 1087. s 8. The city council is further empowered to assess and collect and expend the necessary tax for furnishing the city with water for irrigating and other purposes, and regulate and control the water courses and mill-sites in said city, and the water courses leading thereto, in the immediate vicinity thereof; *Provided*, Such control does not interfere with or infringe upon rights of prior appropriations.

§ 1088. s 9. To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

§ 1089 s 10. The mayor shall be the chief executive officer of said corporation. He shall preside in the city council, and shall have power to veto any ordinances, but when passed by four-fifths majority, after considering his objections, if he still declines to approve the ordinance, it shall go into effect without his approval, a statement to that effect being attached thereto: *Provided*, That in the absence of the mayor, at any meeting of the council, the council shall have power to appoint one of their members to preside.

Mayor, powers
and duties.
Feb. 22, 1878.

SPANISH FORK.

SECTION.	SECTION.
1090 Boundaries; corporation formed; seal.	1128 Jurisdiction of mayor and aldermen.
1091 Powers of corporation.	1129 Council meetings.
1092 Council to consist of mayor, aldermen and councilors; mayor to preside.	1130 Process, how directed and served.
1093 Members of council to qualify.	1131 Recorder's duties.
1094 Elections, when held.	1132-1133 Property, how taken for streets.
1095 Qualifications of electors.	1134 Mayor to be indicted for omission of duty.
1096-1124 Powers of council.	1135 Council may punish offenders and vagrants by imprisonment.
1125 Ordinances must be published.	1136-1139 Powers of council.
1126 Ordinances, how proven.	
1127 Mayor and aldermen conservators of the peace; powers of.	

January 10,
1888.
Boundaries.
Amended Feb.
23, 1882.

Inhabitants
made body
corporate.

Powers of cor-
poration.

City council to
consist of
mayor, alder-
men and
councilors.

§ 1090. s 1. All that district of Utah county embraced in the following boundaries, to-wit: Beginning at the centre of section twenty-nine, township eight, south of range three east, Salt Lake meridian; thence west three miles, thence north three miles, thence east three miles, thence south three miles, to the place of beginning, shall be known and designated as Spanish Fork city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 1091. s 2. The inhabitants of said city, by the name and style aforesaid shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes, for the use of the inhabitants of said city; to sell, lease, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 1092. s 3. There shall be a city council, to consist of a mayor, two aldermen and three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the

qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance. And the mayor, when present, shall preside at all meetings of the city council and shall have the casting vote, and in the absence of the mayor, any alderman present may be appointed to preside at said meeting.

Mayor to preside at meetings of council.
Amended Feb. 23, 1882.

§ 1093. s 4. The mayor, aldermen and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to best of their skill and abilities.

Mayor, aldermen and councilors to take oath of office.

§ 1094. s 5. An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, eighteen hundred and sixty-three, and every two years thereafter; and shall be held, conducted and returns thereof made in such manner as shall be provided for by the ordinances of the city council.

Elections when held.

§ 1095. s 6. All inhabitants who are of the age of eighteen (1) [twenty-one] years, who are entitled to vote for Territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Qualifications of electors.

§ 1096. s 4. The city council shall have power, when by them deemed necessary, to create additional wards within the city, and increase the number of councilors to five, and apportion them among the several wards as may be just and most conducive to the welfare of said city.

Powers of council.

§ 1097. s 7. The city council shall have power within the city, by ordinance and enforcement thereof, to annually levy and collect taxes on the assessed value of all the property made taxable by the laws of the Territory of Utah, for the following named purposes, to-wit: Not to exceed five mills on the dollar, for general expenses of the city, and

Feb. 23, 1882.

(1) See pages 319, 329.

not to exceed five mills on the dollar, to open, improve and keep in repair the streets of the city.

As amended
Feb. 23, 1882.

§ 1098. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1099. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, such bonds as may be deemed expedient, with penalty and security, for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1100. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of the city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies, that may happen by death, resignation or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or from misconduct therein; to divide the city into wards, and specify the boundaries thereof.

As amended
Feb. 22, 1882.

§ 1101. s 11. The city council shall have power to borrow money on the credit of the city for city purposes; *Provided*, That the interest on the aggregate of all the liabilities of the city, shall not exceed one-fourth of the revenue arising from taxation the previous year.

§ 1102. s 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

§ 1103. s 13. To appropriate and provide for the payment of the expenses and debts of the city.

§ 1104. s 14. To establish hospitals and make regulations for the government of the same; to make regulations to

secure the general health of the inhabitants; to declare what shall be nuisances and to prevent and remove the same.

§ 1105. s 15. To provide the city with water; to dig wells, lay pump logs and pipes and erect pumps in the streets for the extinguishment of fires and convenience of the inhabitants.

§ 1106. s 16. To open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

§ 1107. s 17. To provide for the lighting of the streets and erecting lamp posts; and establish, support and regulate night watches; to erect market houses; establish market and market places and to provide for the government and regulation thereof.

§ 1108. s 18. To provide for erecting all needful buildings for the use of the city, and for inclosing, improving and regulating all public grounds belonging to the city; to regulate and control the live trees and shrubbery, and the water courses, and water privileges in the city, and, so far as may be necessary, the water courses leading thereto in the immediate vicinity thereof.

§ 1109. s 19. To license, tax and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

§ 1110. s 20. To license, tax and regulate hacking, carriages, wagons, carts and drays; and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rate of portorage.

§ 1111. s 21. To license, tax, and regulate theatricals and other exhibitions, shows and amusements.

§ 1112. s 22. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 1113. s 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof and stove pipes, and to organize and establish fire companies.

§ 1114. s 24. To regulate the storage of gunpowder, tar, pitch, resin and other combustible materials.

§ 1115. s 25. To regulate and order parapet walls and other partition fences; to wall in the city or any part thereof; to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinances.

§ 1116. s 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 1117. s 27. To provide for the inspection and measuring of lumber and other building materials; and for the measurement of all kinds of mechanical work.

§ 1118. s 28. To provide for the inspection and weighing of hay, lime and pit coal, and measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 1119. s 29. To license, regulate, prohibit or restrain the manufacturing, selling, or giving away of spirituous, vinous or fermented liquors [license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors; to provide for and regulate the inspection of tobacco and of beef, pork, flour and meal; also beer, whisky, brandy and all other spirituous and fermented liquors.

§ 1120. s 30. To regulate the weights, quality and price of bread sold and used in the city.

§ 1121. s 31. To provide for taking the enumeration of the inhabitants of the city.

§ 1122. s 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others for services rendered under this or any city ordinance.

§ 1123. s 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables and from one to twenty pin alleys and every other description of gaming or gambling.

§ 1124. s 34. The city council shall have exclusive power within the city, by ordinance, to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures and the enforcement of such penalties; and to pass such ordinances as may be necessary

and proper to carry into effect and execution the powers specified in this act: *Provided*, that such ordinances are not repugnant to the Constitution of the United States or the laws of this Territory.

§ 1125. s 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Ordinances must be published.

§ 1126. s 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof. Ordinances, how proven.

§ 1127. s 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace in and for said city, by the Governor. Mayor and aldermen conservators of the peace; powers of.

§ 1128. s 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of the city, in the same manner as appeals are taken from justices of the peace. Jurisdiction of mayor and aldermen.

§ 1129. s 39. The city council may sit at such times and places as may be prescribed by city ordinance, special meetings of which may at any time be called by the mayor or any two aldermen. Council meetings.

§ 1130. s 40. All process issued by the mayor or aldermen shall be directed to the marshal; and in the execution thereof he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer. Process, how directed and served.

Recorder's
duties.

§ 1131. s 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and he shall perform all other duties as may be required of him by the ordinances of the city council.

Property, how
taken for
streets.

§ 1132. s 42. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 1133. s 43. All jurors, impaneled to enquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Mayor to be
indicted for
omission of
duty, etc.

§ 1134. s 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction he shall be liable to fine and imprisonment; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

Council may
punish of-
fenders and
vagrants by
imprisonment.
March 13, 1884

§ 1035. s 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works until the same shall be fully paid, in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Powers of
council.

§ 1136. s 1. The city council of Spanish Fork city shall have power, and is hereby authorized by ordinance, and enforcement thereof within the corporate limits to regulate, restrain, or prohibit the running at large of horses, mules, cattle, sheep, swine, goats and all kinds of poultry; and when so running at large, to distrain, impound and sell the same for the penalty, and costs incurred therein, and impose

penalties by fine upon the owner of the same, for violation of such ordinance: *Provided*, that the proceeds of such sale shall be paid into the treasury of the county, wherein such city is located, less the amounts of costs and expenses incurred in distraining, impounding, and selling the same, to be used as provided for in section 408 of the Compiled Laws of Utah.

§ 1137. s 2. To enforce the payment of all city taxes by levy and sale of the real or personal property of any delinquent tax payer, in the manner provided by law for assessing and collecting Territorial and county taxes. The city assessor and collector shall have the same power within his jurisdiction as is exercised by county assessors and collectors, and any city taxes assessed shall be a lien on the property assessed until paid. The city shall also have power to annually assess, collect, and expend a water tax to supply the city with water for domestic and irrigating purposes, and may regulate the use of water for manufacturing purposes, and to tax individuals for the use of such water, in proportion to the amount of water used by each: *Provided*, that nothing herein contained shall be so construed as to interfere with the water rights accrued by priority of appropriation.

§ 1138. s 3. To direct and control the location of railroad tracks within the city, and regulate the use of locomotive engines therein, and regulate the rate of speed at which the trains may run within the inhabited portions.

§ 1139. s 4. To fix and collect a license tax on, and regulate billiard and pool tables, and bowling alleys, in public places, and punish the proprietors or keepers thereof for violating the provisions of any city ordinances relating to the same.

PAYSON.

SECTION.	SECTION.
1140 Boundaries; corporation formed; seal.	1153 Process how directed and served
1141 Powers of corporation.	1154 Recorder's duties.
1142 Council to consist of mayor, three aldermen, five councilors.	1155 Treasurer's duties.
1143 Elections.	1156-1159 Powers of council.
1144 First election, how conducted.	1160 Assessment roll, when returned; council to hear objections to.
1145 Subsequent elections, how con- ducted.	1161 Collector to be furnished tax list; shall collect taxes how.
1146 Council to judge of qualifications of members; meetings, mayor to preside.	1162-1198 Powers of council.
1147 Stated and special meetings.	1199 Ordinances to be published.
1148 Council to appoint certain offi- cers.	1200 Ordinances, how proven.
1149 Elective officers, how removed.	1201-1202 Property, how taken for streets.
1150 Vacancies, how filled.	1203-1207 Saving clauses.
1151 Council to divide city into wards	1208 Powers of conservators of the peace.
1152 Mayor and aldermen conserv- ators of the peace; powers and jurisdiction of.	1209 Old council to continue until successors elected.
	1210 Repealing clause.
	1211 Council to publish financial statement.
	1212-1216 Powers of council.

Jan. 20, 1865.

Boundaries

Amended
March 6, 1882.Corporation
formed; seal.Powers of
corporation.

§ 1140. s 1. All the Territory embraced in the follow-
ing boundaries, to-wit: Commencing at the northwest corner of
township nine, south of range two east, Salt Lake meridian,
in Utah county, thence east three miles, thence south two and
three-fourth miles, thence west three miles, thence north two
and three-fourth miles, to the place of the beginning shall be
known and designated as Payson city; and the inhabitants
thereof are hereby constituted a body corporate and politic
by the name aforesaid, and shall have perpetual succession,
and may have and use a common seal, which they may change
and alter at pleasure.

§ 1141. s 2. The inhabitants of said city, by the name
and style aforesaid, shall have power to sue and be sued,
to plead and be impleaded, defend and be defended in
all courts of law and equity; and in all actions whatsoever;
to purchase, receive, hold, sell, lease, convey and dispose of
property real and personal for the benefit of said city,
both within and without its corporate boundaries; to improve
and protect such property, and to do all other things in
relation thereto as natural persons.

§ 1142. s 3. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, three aldermen, one from each ward, and five councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified.

Council to
consist of
mayor, three
aldermen and
five councilors

§ 1143. s 4. An election shall be held on the second Monday in February next, and every two years thereafter, on said day, at which there shall be elected one mayor, three aldermen and five councilors; and the persons respectively receiving the highest number of votes cast in the city, for said offices, shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the city council.

Elections.

§ 1144. s 5. The first election under this act shall be conducted in the following manner, to-wit: The county clerk of Utah county shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the probate judge of Utah county, at least one week previous to the day of election. Said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation for the faithful discharge thereof. The polls shall be open at eight o'clock a. m., and shall close at six o'clock p. m. At the close of the election the judges shall seal up the ballot box and the list of the names of the electors and transmit the same, within two days to the county clerk of Utah county. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them; and furnish within five days, to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the county clerk in presence of the probate judge.

First election
how conducted

§ 1145. s 6. All subsequent elections held under this act shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Subsequent
elections, how
conducted.

§ 1146. s 7. The city council shall be judge of the qualifications, elections and returns of their own members; and

Council to judge of qualifications of members; meetings; mayor to preside.

a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; the mayor shall preside when present, and have a casting vote; and in the absence of the mayor, any alderman present may be appointed to preside over said meeting.

Meetings of council.

§ 1147. s 8. The city council may hold stated meetings, and special meetings may be called by the mayor, or any two aldermen by notice to each of the members of said council, served personally or left at their usual place of abode.

Council to appoint certain officers.

§ 1148. s 9. The city council shall have power to appoint a recorder (1) (who shall be the auditor of public accounts), supervisor of streets, surveyor, an attorney, a sexton, a sealer of weights and measures, and all such other officers as may be necessary; define their duties, remove them from office at pleasure, and fix and establish the fees of all officers, jurors and witnesses.

Elective officers, how removed.

§ 1149. s 10. All officers elected in accordance with the fourth section of this act may be removed for cause from such office by a vote of two-thirds of the city council, and shall be furnished with the charges, and have an opportunity to be heard in his defense, and the council shall have power to compel the attendance of witnesses, and the production of papers when necessary.

Vacancies, how filled.

§ 1150. s 11. When a vacancy shall happen by the death, resignation or removal of any officer, such vacancy may be filled by the city council, and every person elected or appointed to any office under this act shall, before he enters upon the duties thereof take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of the city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and he may be required to give bonds as shall be prescribed by the city ordinances, which oath and bond shall be filed with the city recorder.

Council to divide city into wards.

§ 1151. s 12. The city council shall have power to divide the city into wards, and specify the boundaries thereof, and when necessary create additional wards, and add to the number

(1) Made elective by act of February 22, 1878.

of aldermen and councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said city.

§ 1152. s 13. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace, and when so qualified shall possess the same powers and jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city, by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the city treasury, and all fines and forfeitures arising under the laws of the Territory into the county treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city. Appeals may be had from any decision or judgment of a mayor's or alderman's court in the same manner as are or may be provided by statute for appeals from justices' courts, and they shall account for, and pay over to the city treasurer within three months all fines and forfeitures received by them, by virtue of their office, and they shall keep a docket subject at all times to the inspection of the city council and all other parties interested.

§ 1153. s 14. All process issued by the mayor or an alderman shall be directed to the marshal, or other legal officer, and in execution thereof, he shall be governed by such rules and regulations as may be provided by city ordinance.

§ 1154. s 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of the city, and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city, and he is hereby authorized to take the acknowledgments of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinance.

§ 1155. s 16. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all funds that may come to

Mayor and aldermen conservators of the peace, powers and jurisdiction of.

Process how directed and served.

Recorder's duties.

Treasurer's duties.

hand, by virtue of his office, upon orders signed by the auditor of public accounts, and shall report to the city council a true account of his receipts and disbursements, as they may require.

Powers of
council.

§ 1156. s 17. The city council shall have power, within the city, by ordinance to annually levy and collect taxes on the assessed value of all property in the city made taxable by the laws of the Territory, for the following named purposes, to-wit: not to exceed five mills on the dollar for contingent expenses, nor to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. The city council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes and for furnishing the city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, control the water courses leading thereto, in the immediate vicinity thereof.

§ 1157. s 18. The city council shall have the management and control of the finances and property of said city.

§ 1158. s 19. To require and it is hereby made the duty of every male resident of the city, over the age of eighteen and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay one dollar and fifty cents for the day he shall be so bound to labor: *Provided*, it be paid within five days from the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

§ 1159. s 20. The council shall have power to borrow money for city purposes, the interest of which shall not exceed one-fourth of the city revenue arising from taxes of the previous year.

Assessment
roll, when
returned;
council to hear
objections to.

§ 1160. s 21. The city council shall have power by ordinance to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or before the first Monday of April in each year, but the time may be extended or additions made thereto by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be

heard and determined upon by the city council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

§ 1161. s 22. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of taxes to be collected; and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

Collector to be furnished tax list; shall collect, how.

§ 1162. s 23. To appropriate and provide for the payment of the expenses and debts of the city.

Powers of council.

§ 1163. s 24. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and around it, not exceeding twelve miles next beyond the boundaries thereof.

§ 1164. s 25. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and remove the same.

§ 1165. s 26. To provide the city with water; to dig wells, to lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires, and the convenience of the inhabitants.

§ 1166. s 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin, or other combustible or dangerous materials, and to regulate the conveying of gunpowder.

§ 1167. s 28. To exclusively control, regulate, repair, mend and clear the streets, alleys, bridges, sidewalks or cross walks, and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner and protect the same from any encroachment and injury.

§ 1168. s 29. To provide for the lighting of streets and erecting lamp posts; to erect market houses and establish markets and market places, and provide for the government and regulation thereof.

§ 1169. s 30. To provide for the erection of all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

§ 1170. s 31. To license, regulate, prohibit or restrain the manufacturers, sellers or venders of spirituous or fermented liquors, tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous or fermented.

§ 1171. s 32. To license, tax, and regulate auctioneers, merchants, retailers, groceries, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

§ 1172. s 33. To regulate the selling or giving away of any ardent, spirituous or other intoxicating liquors by any shop keeper, grocer, or trader, to be drank in any shop, store, grocery, outhouse, yard, garden or other place within the city, except by persons or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

§ 1173. s 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city.

§ 1174. s 35. To license, tax, regulate suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys, or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming and all kinds of gambling; to prevent any riot, noise, disturbance or disorderly assemblages; and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 1175. s 36. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

§ 1176. s 37. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cart-

age and drayage of property; as also to license and regulate porters and fix the rate of portorage.

§ 1177. s 38. To provide for the prevention and extinguishment of fires, to regulate the fixing of chimneys and the flues thereof, and stove pipes, and to organize and establish fire companies.

§ 1178. s 39. To regulate and order parapet walls and other partition fences.

§ 1179. s 40. To establish standard weights and measures and to regulate the weights and measures to be used in the city, in all cases not provided by law.

§ 1180. s 41. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 1181. s 42. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 1182. s 43. To provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky and brandy, and all other spirituous or fermented liquors.

§ 1183. s 44. To regulate the weight and quality and price of bread sold and used in the city.

§ 1184. s 45. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

§ 1185. s 46. To provide for taking the enumeration of the inhabitants of the city; to regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises.

§ 1186. s 47. To prevent horse racing, immoderate riding and driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals, to compel persons to put up posts in front of their lots to fasten their horses and other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, whilst standing or remaining in the streets.

§ 1187. s 48. To prevent the incumbering of the streets or sidewalks, lanes, alleys and public grounds with carriages.

tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobes or any material or substance whatever.

§ 1188. s 49. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 1189. s 50. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place to cleanse, remove or abate the same from time to time, as oft as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 1190. s 51. To direct the location and management of, and regulate breweries and tanneries; and to direct the location, management and construction of and restrain or prohibit within the city distilleries, slaughtering establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 1191. s 52. To prevent any person from bringing, depositing or having within the limits of the city any dead carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substance or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the removal or destruction of the same by any officer of said city.

§ 1192. s 53. To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

§ 1193. s 54. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, performances and devices tending to disturb the peace and quiet of the said city.

§ 1194. s 55. To grant and issue licenses and direct the manner of issuing and registering thereof. Bonds may be taken on the granting of licenses, for the due observance of the ordinances of the city council.

§ 1195. s 56. To require every merchant, retailer, trader and dealer in merchandise or property of every description,

which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

§ 1196. s 57. The city council shall have power to make such ordinances and resolutions, not contrary to the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties not exceeding one hundred dollars or imprisonment not to exceed six months, or both.

§ 1197. s 58. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution and laws of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

§ 1198. s 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

§ 1199. s 60. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Ordinances to be published.

§ 1200. s 61. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book form, purporting to be printed or published Ordinances how proven.

by the authority of the city council, the same shall be received in evidence in all courts or places without further proof.

Property how
taken for
streets.

§ 1201. s 62. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

§ 1202. s 63. All jurors impaneled to enquire into the amounts of benefit or damages that shall happen to the owners of property so proposed to be taken shall first be sworn to that effect, and shall return to the mayor or presiding officer of the city council, their inquest in writing, signed by each juror.

Saving clauses

§ 1203. s 64. All ordinances, resolutions and regulations now in force in the city of Payson, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

§ 1204. s 65. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the ordinances incorporating Payson city, shall be vested in and prosecuted by the corporation hereby created.

§ 1205. s 66. All plots and surveys of lands, lots or other places within said city, heretofore surveyed by the surveyor; and all plots and surveys of lands, lots or other places that may be hereafter surveyed, and all certificates of surveys given by him shall be deemed valid by this act.

§ 1206. s 67. All property now belonging to Payson city is hereby vested in the corporation created by this act; and the officers of said corporation now in force, shall respectively continue in the same, until superseded in conformity to the provisions thereof, but shall be governed by this act.

§ 1207. s 68. This act shall not invalidate any act done by the present city council of Payson city, or by its officers, nor divest their successors under this act of any right, property or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act.

Powers of
conservators
of the peace.

§ 1208. s 69. All officers of the city, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all persons who

shall break the peace; commit for examination, and, if necessary, detain such persons in custody forty-eight hours in the city prison or other safe place; and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

§ 1209. s 70. Nothing in this act shall be so construed as to deprive the present city council of Payson city of any power or authority conferred upon them by the ordinance incorporating said city and the act amendatory thereto, but said city council shall possess, exercise and enjoy all the powers and authority heretofore conferred upon them, except so far as such powers and authority have been expressly modified and repealed by this act, until said city council are superseded by the election and qualification of their successors under this act.

Old council to continue until successors elected.

§ 1210. s 71. All laws or parts of laws conflicting with the foregoing are hereby repealed.

Repealing clause.

§ 1211. s 72. The city council shall cause to be published in some newspaper published in Payson city, or posted up in three public places on or before the first day of December in each year, a statement of the amount of the city revenue, specifying in said statement whence derived and for what disbursed.

Council to publish financial statement.

§ 1212. s 1. The city council of the city of Payson is hereby empowered and authorized to construct a dam or reservoir on Spring creek, south of the city, at such place as they may deem suitable, and control the waters thereof for the use and benefit of the citizens of Payson city, and regulate and control the same.

Powers of council.

§ 1213. That the city council of Payson city shall have power and is hereby authorized by ordinance and enforcement thereof within their prescribed boundaries to regulate, restrain or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and when so running at large to destrain, impound and sell the same for the penalty and costs incurred therein, and impose penalties by fine upon the owners of the same for violation of such ordinance; *Provided*, That the proceeds of such sales shall be paid into the treasury of Utah county, less the amount of costs and expenses incurred in distraining, impounding and selling the same, to be used as provided for in Section 408

March 13, 1884.

(1) of the Compiled Laws of Utah; *Provided further*, That such cost and expense shall not exceed those provided for in Section 413 of the Compiled Laws of Utah for similar services. (1.)

§ 1214. s 2. To direct and control the location of railroad tracks within the city, and to regulate the rate of speed at which the engines and trains may run within the inhabited portions of said city.

§ 1215. s 3. To regulate and control the locations of gas works, electric lights, telegraph and telephone lines, canals or water courses and all improvements of a similar nature.

§ 1216. s 4. To erect a jail or other buildings for the safe keeping of prisoners, and adopt rules and regulations for the management of the same.

(1) Repealed. See of estrays.

FILLMORE.

SECTION.

- 1217 Boundaries;
 corporation formed; seal.
 1218 Powers of corporation.
 1219 Council to consist of mayor and
 five councilors; two justices of
 the peace to be elected.
 1220 Mayor and councilors to qualify.
 1221 Elections.
 1222 Persons elected to qualify; sub-
 sequent elections.

SECTION.

- 1223-1226 Powers of council.
 1227 Ordinances to be published.
 1228 Ordinances, how proven.
 1229 Justice of the peace; powers,
 jurisdiction and duties of.
 1230 Mayor; powers and duties of.
 1231-1232 Powers of council.
 1233-1234 Saving clauses.
 1235 Powers of council.
 1236 Act when to be in force.

§ 1217. s 1. All that portion of Millard county embraced in the following boundaries, to-wit: Beginning at a point two miles due east of the southeast corner of the public square in said city, thence south two miles, thence west four miles, thence north four miles, thence east four miles, thence south two miles, to the place of beginning, shall be known and designated under the name and style of Fillmore city, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid and may have and use a common seal which they may change and alter at pleasure.

Feb. 12, 1867.

Boundaries.

Amended
March 13, 1884.Corporation
formed, seal.

§ 1218. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property real and personal; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property real and personal for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers of cor-
poration.

§ 1219. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city

Council to
consist of
mayor and five
councilors.

council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 1220. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1221. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time and place as the probate judge of Millard county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and, at the said first election, all electors within said city limits shall be entitled to vote.

Persons elected to qualify.

§ 1222. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof be made as may be provided for by ordinance of the city council.

Subsequent elections.

Amended March 13, 1884.
Powers of council.

§ 1223. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may assess, and collect, and expend the necessary taxes to furnish the city with water for irrigation and other purposes, and to regulate and control the same for the use and benefit of the inhabitants thereof, and may enforce the payment of taxes in any manner to be pro-

vided for by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

§ 1224. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure. Amended February 22, 1878.

§ 1225. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1226. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with natural rights of others acquired in relation to water privileges within said city. They shall have power to fill all vacancies that may happen by death, resignation, removal, or otherwise, in any of the offices herein made elective; to fix and establish the fees of the officers of said corporation; to impose such fines, not exceeding one hundred dollars, and imprisonment not exceeding six months, for each offence, for the breach or violation of any city ordinance; to divide the city into wards and specify the boundaries thereof.

§ 1227. s 11. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Ordinances to be published.

§ 1228. s 12. All ordinances of the city may be proven by the seal of the corporation; and, when printed or pub- Ordinances how proven

lished in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof. .

Justices of the
peace jurisdic-
tion, powers
and duties of.

§ 1229. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws and give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties.

§ 1230. s 14. The mayor shall be chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 1231. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 1232. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing, or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

Saving clauses

§ 1233. s 17. All ordinances, resolutions and regulations now in force in Fillmore city, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

§ 1234. s 18. This act shall not invalidate any act done by the present city council of Fillmore city, or by its officers, nor divest their successors, under this act, of any right,

property, or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act.

§ 1235. s 19. The city council shall have exclusive ^{Powers of council.} power, by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatricals and other exhibitions, shows and amusements; to tax, restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

§ 1236. s 20. This act shall be in force on and after ^{Act when to take effect.} the tenth day of February, 1867, and may be amended or repealed at the pleasure of the Legislative Assembly.

BEAVER.

SECTION.

- 1237 Boundaries;
corporation formed; seal.
- 1238 Powers of corporation.
- 1239 Council to consist of mayor and
five councilors; two justices of
the peace to be elected.
- 1240 Mayor and councilors to qualify.
- 1241 Elections.
- 1242 Persons elected to qualify; sub-
sequent elections.

SECTION.

- 1243-1246 Powers of council.
- 1247 Ordinances to be published.
- 1248 Ordinances, how proven.
- 1249 Justices of the peace; powers,
and jurisdiction of.
- 1250 Mayor; powers and duties of.
- 1251 Act, when to take effect.
- 1252-1253 Powers of council.

§ 1237. s 1. All that portion of country situated within ^{Jan. 10, 1867.} the following boundaries, to-wit: Beginning at a point one and ^{Boundaries.} a half miles south of the bridge across Beaver river at the point where the military road crosses Beaver river, thence east two miles, thence north six miles, thence west six miles, thence south six miles, thence east four miles to the place of beginning, shall be known and designated by the name of Beaver city; and the inhabitants thereof are hereby constituted a ^{Corporation formed, seal.} body corporate and politic by the name aforesaid, and may have and use a common seal which they may change and alter at pleasure.

Powers of
corporation.

§ 1238. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property real and personal in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor and five councilors.

§ 1239. s 3. There shall be a city council to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 1240. s 4. The mayor and councilors, before entering upon the duties of their offices shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1241. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Beaver county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and, at the first election, all voters shall be entitled to vote.

Persons elected to qualify.

§ 1242. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the elec-

tion, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof be made as may be provided for by ordinance of the city council.

§ 1243. s 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same to be provided for by ordinance, not repugnant to the Constitution of the United States or to the laws of this Territory.

§ 1244. s 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1245. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1246. 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water of the Beaver river: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation or removal, of any of the officers herein made elective; to fix and establish the fees of the officers of

said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

Ordinances to
be published.

§ 1247. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 1248. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justices of the
peace, power,
duties and
jurisdiction of.

§ 1249. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws and give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 1250. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Act when to
take effect.

§ 1251. s 15. This act shall be in force on and after the tenth day of February, one thousand eight hundred and sixty-seven, and may be amended or repealed at the pleasure of the Legislative Assembly.

Powers of
council.

Feb. 20, 1874.

§ 1252. s 1. The city council of Beaver city, shall have power to license the manufacture, sale, or giving away, or otherwise disposing of alcoholic, vinous or fermented liquors, ale, beer, or porter: *Provided*, that the license shall not exceed fifty dollars per month; to prohibit the sale, giving away, or otherwise disposing of any alcoholic, vinous, or

fermented liquors, ale, beer, or porter, to any minor or apprentice, without the consent of his, her or their parents, guardians, or to any Indian.

§ 1253. s 2. To prevent or prohibit the sale, giving away, or otherwise disposing of any alcoholic, vinous or fermented liquors, ale, beer, or porter on Sunday.

PAROWAN.

SECTION.

- 1254 Boundaries,
corporation formed; seal.
1255 Powers of corporation.
1256 Council to consist of mayor and
five councilors.
1257 Mayor and councilors to qualify.
1258 Elections.
1259 Persons elected must qualify;
subsequent elections.

SECTION.

- 1260-1263 Powers of council.
1264 Ordinances to be published.
1265 Ordinances, how proven.
1266 Justices of the peace; powers,
duties and jurisdiction of.
1267 Mayor; powers and duties of.
1268-1270 Powers of council.
1271 Act, when to take effect.

§ 1254. s 1. All that district of country embraced in Feb 13, 1868.
the following boundaries in Iron county, to-wit: Beginning
at a point three hundred and twenty rods due south of the
stone meeting house in Parowan, thence east two miles, ^{Boundaries.}
thence north six miles, thence west six miles, thence south
six miles, thence east four miles to the place of beginning,
shall be known and designated under the name and style
of Parowan city, and the inhabitants thereof are hereby con-
stituted a body corporate and politic by the name aforesaid, <sup>Corporation
formed, seal.</sup>
and may have and use a common seal, which they may change
and alter at pleasure.

§ 1255. s 2. The inhabitants of said city, by the name <sup>Powers of
corporation.</sup>
and style aforesaid, shall have power to sue and be sued, to
plead and be impleaded, defend and be defended in all courts
of law and equity and in all actions whatsoever; to purchase,
receive and hold property, real and personal, in said city;
to purchase, receive and hold real property beyond the city for
burying grounds or for other public purposes for the use of the

inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor and five councilors.

§ 1256. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor and have jurisdiction in all cases arising under the ordinances of the city.

Mayor and councilors to qualify.

§ 1257. s 4. The mayor, and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1258. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Iron county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and, at the said first election, all electors within said city limits shall be entitled to vote.

Persons elected must qualify.

§ 1259. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Subsequent elections.

§ 1260. s 7. The city council shall have authority to levy and collect taxes, for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

Powers of
council.

§ 1261. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Amended
Feb. 22, 1878.

§ 1262. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties; and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1263. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal, or otherwise of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 1264. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified

Ordinances to
be published.

copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 1265. s 12. All ordinances of the city may be proven by the seal of the corporation and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justices of the
peace, powers,
jurisdiction
and duties of.

§ 1266. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 1267. s 14. The mayor shall be chief executive officer of said corporation, he shall preside in the city council and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 1268. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 1269. s 16. To license, regulate, prohibit, or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to tax and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 1270. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to

license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatricals and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

§ 1271. s 18. This act shall be in force on and after the tenth day of April, one thousand eight hundred and sixty-eight, and may be amended or repealed at the pleasure of the Legislative Assembly. Act, when to take effect.

CEDAR.

SECTION.

- 1272 Boundaries;
corporation formed; seal.
1273 Powers of corporation.
1274 Council to consist of mayor, and
five councilors; two justices of
the peace to be elected.
1275 Mayor and councilors to qualify.
1276 Elections.
1277 Persons elected must qualify;
subsequent elections.

SECTION.

- 1278-1281 Powers of council.
1282 Ordinances must be published.
1283 Ordinances, how proven.
1284 Justices of the peace, powers,
duties and jurisdiction of.
1285 Mayor; powers and duties of.
1286-1287 Powers of council.
1288 Act, when to take effect.
1289-1290 Saving clause.

§ 1272. s 1. All that portion of Iron county situated within the following boundaries, to-wit: Beginning at the mouth of Coal creek canyon, thence north three miles, thence west six miles, thence south six miles, thence east six miles, thence north three miles to the place of beginning, shall be known and designated under the name and style of Cedar city, and the inhabitants thereof are hereby constituted a body corporate and politic by the name and style aforesaid, and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure. February 18, 1868. Boundaries. Corporation formed, seal.

§ 1273. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to Powers of corporation.

purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor and five councilors.

§ 1274. s 3. There shall be a city council, to consist of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 1275. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and laws of this Territory, and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

Elections.

§ 1276. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time in said city, as the probate judge of Iron county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election, all electors within said city limits, shall be entitled to vote.

Persons elected to be notified; must qualify.

§ 1277. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall

be held, conducted and returns thereof made as may be provided for by ordinance of the city council. Subsequent elections.

§ 1278. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, to be provided for by ordinance not repugnant to the Constitution of the United States or to laws of this Territory. Powers of council.

§ 1279. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure. Amended. Feb. 22, 1878.

§ 1280. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1281. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city, but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise, in any of the offices herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 1282. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be

Ordinances
must be pub-
lished.

published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 1283. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Justice of the
peace; powers,
duties and
jurisdiction of.

§ 1284. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall preform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 1285. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinances when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 1286. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 1287. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 1288. s 17. The city council shall have exclusive ^{Act when to} power, by ordinance, to regulate the police of the city; to ^{take effect.} license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

§ 1289. s 18. This act shall be in force on and after ^{Saving clauses} the 10th day of April 1868, and may be amended or repealed at the pleasure of the Legislative Assembly.

§ 1290. s 19. This act shall not invalidate any act done by the present city council of Cedar city or by its officers, nor divest their successors under this act of any right, property or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act.

ST. GEORGE.

SECTION.

- 1291 Boundaries; corporation formed; seal.
- 1292 Powers of corporation.
- 1293 Council to consist of mayor, two aldermen, five councilors.
- 1294 Members of council to qualify.
- 1295 Elections.
- 1296 Persons elected to qualify; subsequent elections.
- 1297-1300 Powers of council.
- 1301 Ordinances must be published.
- 1302 Ordinances, how proven.
- 1303 Justices of the peace; powers and duties of.
- 1304 Justices of the peace, jurisdiction of.

SECTION.

- 1305-1206 Powers of council.
- 1307 Act when to take effect.
- 1308-1331 Powers of council.
- 1332 Officers failing to deliver papers and effects to successors, to forfeit, etc.
- 1333 Property, how taken for streets.
- 1334 Cemetery lots exempt.
- 1335-1336 Saving clauses.
- 1337 This a public act.
- 1338 Saving clause.
- 1339 Conservators of the peace, powers of.
- 1340 Saving clause.

§ 1291. s 1. All that portion of country situated within ^{Jan. 17, 1862.} the following boundaries, to-wit: Beginning at the first point ^{Boundaries.} of rock below the Santa Clara and on the west bank of the Rio Virgen, in the county of Washington; thence running due west two and a half miles; thence due north five miles;

thence due east five miles; thence due south five miles; thence due west two and a half miles to the place of beginning shall be known and designated by the name of the city of St. George, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid; and may have and use a common seal, which they may change and alter at pleasure.

Corporation
formed; seal.

Powers of
corporation.

§ 1292. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive, and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Amended Feb.
21, 1868.

Council to
consist of
mayor, two
aldermen and
five council-
ors.

§ 1293. s 3. There shall be a city council to consist of a mayor, two aldermen and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Members of
council to
qualify.

§ 1294. s 4. The mayor, aldermen and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1295. s 5. One mayor, two aldermen and five councilors, shall be elected biennially, and the first election under this act shall be at such time and place as the probate judge of Washington county shall direct: *Provided*, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as is now provided by law for the holding of elections for county and Territorial officers; and, at the said first election, all residents

over twenty-one years of age, within said city limits, shall be entitled to vote.

§ 1296. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five ^{Persons elected to qualify} days after the election, a written notice of his election, and each person so notified shall, within ten days after the election take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be ^{Subsequent elections.} held, conducted, and the returns thereof made, as may be provided for by ordinance of the city council.

§ 1297. s 7. The city council shall have authority to ^{Powers of council.} levy and collect taxes, for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

§ 1298. s 8. The city council shall have power to ^{Amended Feb. 22, 187..} appoint a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1299. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security, for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1300. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof, and shall have control of the waters of the Santa Clara: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon, and shall have control of the water courses and mill privileges within said city. They

shall have power to fill all vacancies that may happen by death, resignation or removal in any of the offices herein made elective; to fix and establish the fees of the officers of said corporation; to impose such fines, not exceeding one hundred dollars, and imprisonment not exceeding six months, for each offence, for the breach or violation of any city ordinance; to divide the city into wards and specify the boundaries thereof.

Ordinances
must be pub-
lished.

§ 1301. s 11. All ordinances passed by the city council shall, within one month after they shall have been passed be published in some newspaper, printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances,
how proven.

§ 1302. s 12. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justices of the
peace, powers
and duties.

§ 1303. s 13. The mayor and aldermen shall have all the powers of justices of the peace both in civil and criminal cases, arising under the laws of the Territory. They shall as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, in and for said city, and be commissioned by the Governor.

Jurisdiction of
justices of the
peace.

§ 1304. s 14. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city in the same manner as appeals are or may be taken from justices of the peace.

Powers of
council.

§ 1305. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 1306. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous

or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 1307. s 17. This act shall be in force on and after the tenth day of February, 1862, and may be amended or repealed at the pleasure of the Legislative Assembly.

Act when to
take effect.

§ 1308. s 2. The city council shall have power within the city by ordinance, to annually levy and collect of each male inhabitant between the ages of eighteen and sixty years, one day's work, or in default thereof two dollars lawful money, to be applied upon the streets and water sects of said city: *Provided*, that owners of city lots, drawing water from the public secs for irrigating the same may for each and every lot so irrigating, be taxed not exceeding the amount specified in this section, to be used in making, cleaning and repairing secs, and street crossings, or otherwise supplying the city with water, but owners so taxed shall not be liable to the tax first authorized in this section.

This and fol-
lowing sec-
tions were en-
acted Feb. 21,
1868.

Powers of
council.

§ 1309. s 3. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws and enforce the same within the city and around it, not exceeding twelve miles next beyond the boundaries thereof; to establish, erect and control hospitals, infirmaries and medical colleges; to purchase grounds for their erection, and improve and adorn the same; and license, control and regulate physicians and surgeons.

§ 1310. s 4. To forbid the selling or giving away of any ardent spirits, or other intoxicating liquors, to any child, apprentice or servant without the consent of his or her parent, guardian, master or mistress, or to any Indian.

§ 1311. s 5. To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gambling; to prevent any riot, noise, disturbance or disorderly assemblage; to restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 1312. s 6. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of

natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

§ 1313. s 7. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals; to compel persons to put up posts in front of their lots to fasten their horses or other animals to; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, while standing or remaining in the streets.

§ 1314. s 8. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 1315. s 9. To direct the location and management of and regulate breweries and to direct the location, management and construction of and restrain or prohibit within the city distilleries, slaughtering establishments and establishments for steaming and rendering lard, oil, tallow, offal and such other substances as can or may be rendered; and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 1316. s 10. To define and declare what are nuisances, and to authorize and direct the summary abatement thereof, and punish the authors by fine or imprisonment.

§ 1317. s 11. To control, regulate, repair, amend and clear the streets, bridges, alleys, sidewalks or cross walks; and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein; and prevent the incumbering of the streets in any manner and protect the same from any encroachment and injury.

§ 1318. s 12. To lay out, improve and regulate the public grounds belonging to the city; to direct and regulate the planting and preserving trees in the streets and public grounds; and to regulate the fencing of lots within the bounds of the city.

§ 1319. s 13. To grant and issue licenses and direct the manner of issuing and registering thereof and the fees to be paid therefor. Bonds may be taken on the granting of

licenses, for the due observance of the ordinances or regulations of the city council.

§ 1320. s 14. To license, tax and regulate merchants and retailers, auctioneers, distillers, brewers, brokers, pawn-brokers and money changers.

§ 1321. s 15. To license, tax, regulate or suppress hawkers, peddlers, and butchers; and to revoke any and all licenses, for malconduct in the course of trade.

§ 1322. s 16. To establish, govern and regulate markets and other public buildings, provide for their erection and determine their location, and to provide for the erection of all needful buildings for the use of the city and for inclosing, improving and regulating all public grounds belonging to the city.

§ 1323. s 17. To provide for the taking the enumeration of the inhabitants of the city; to regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons, and others for any default in the premises.

§ 1324. s 18. To appoint watchmen and policemen, and prescribe their duties and powers.

§ 1325. s 19. To regulate the measuring and inspection of lumber, shingles, timber, posts, staves and heading, and all building materials and all kinds of mechanical work, and appoint one or more inspectors therefor.

§ 1326. s 20. To regulate the inspection of whisky and other liquors to be sold in barrels, hogsheads or other vessels; to appoint inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

§ 1327. s 21. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

§ 1328. s 22. To establish, make and regulate public pumps, wells, cisterns, hydrants and reservoirs; to distribute, control and so regulate the waters flowing into the city, as may be most advantageous, and to prevent waste of water or damage to streets or other property.

§ 1329. s 23. To borrow money on the credit of the city: *Provided*, that the interest on the aggregate of all sums borrowed and outstanding shall not exceed one-fourth of the city revenue arising from taxes assessed within the corporation during the preceding year.

§ 1330. s 24. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein provided; and prescribe the duties and powers of all officers whose duties are not herein specifically mentioned, and arrange the fees and fix the compensation of all officers, jurors, witnesses and others.

§ 1331. s 25. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the city or county jail, or by compelling them to labor upon the streets or other public works until the judgment rendered against them shall be fully satisfied in all cases where such offender or vagrant shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Officers failing to deliver papers and effects to successors to forfeit, etc.

§ 1332. s 26. If any person, having been an officer in St. George city, shall not within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said city or appertaining to the office he held, he shall forfeit and pay for the use of the city not exceeding one hundred dollars, besides all damages caused by his neglect or refusal to so deliver.

Property how taken for streets.

§ 1333. s 27. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city. All jurors impaneled to inquire into the amount of benefit or damage that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor or presiding officers of the city council, their inquest in writing signed by each juror.

Cemetery lots to be exempt.

§ 1334. s 28. The cemetery lots which have been or may hereafter be laid out and sold by said city for private

places of burial, shall, with their appurtenances, forever be exempt from taxation, execution or attachment.

§ 1335. s 29. All ordinances, resolutions and regulations now in force in St. George city and not consistent with this act, shall remain in force until altered, modified or repealed by the city council after this act shall take effect. Saving clauses

§ 1336. s 30. All plots and surveys of lands, lots or other places within said city, heretofore surveyed by the surveyor, and all plots and surveys of lands, lots or other places that may hereafter be surveyed and all certificates of surveys given by him shall be deemed valid in law by this act.

§ 1337. s 31. This act shall be deemed a public act and may be read in evidence without proof, and judicial note shall be taken thereof in all courts and places. This a public act.

§ 1338. s 32. This act shall not invalidate any act heretofore done by the city council of St. George city, or by its officers, nor divest their successors under this act of any rights, property or otherwise, or liability which may have accrued to or been created by said council prior to the passage of this act. Saving clause

§ 1339. s 33. All officers of the city created conservators of the peace shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace; commit for examination, and if necessary, detain such person in custody forty-eight hours in the city prison or other safe place; and shall have and exercise such other powers as conservators of the peace, as the city council may prescribe. Conservators of the peace; powers of.

§ 1340. s 34. Nothing in this act shall be construed as to deprive the city council of St. George city of any power or authority, conferred upon them by the act incorporating said city, but said city council shall possess, exercise and enjoy all the powers and authority heretofore conferred upon them, except so far as such powers and authority have been expressly modified or repealed by this act. Saving clause.

WASHINGTON.

SECTION.

- 1341 Boundaries;
corporation formed; seal.
1342 Corporation; powers of.
1343 Council to consist of mayor and
six councilors; two justices to
be elected.
1344 Mayor and councilors to qualify.
1345 Election, when held.
1346 Notice to those elected; subse-
quent elections.

SECTION.

- 1347-1350 Powers of council.
1351 All ordinances to be published.
1352 Ordinances, how proven.
1353 Justices of the peace, jurisdiction
and duties of.
1354 Mayor, powers and duties of.
1355-1357 Powers of council.
1358 Act, when to go in force.

Feb. 18, 1870.

Boundaries.

Amended,
Feb. 22, 1878.Corporation
formed, seal.Corporation,
powers of.Council to con-
sist of mayor
and six coun-
cilors.

§ 1341. s 1. All that district embraced in the following boundaries in Washington county, to-wit: Beginning at the northeast corner of the city of St. George, running thence east two and a half miles, thence south two and a half miles, thence west two and a half miles, thence north, along the east line of St. George, two and a half miles, to the place of beginning, shall be known and designated under the name and style of Washington city, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and may have and use a common seal, which they may change and alter at pleasure.

§ 1342. s 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal in said city; to purchase, receive and hold real property beyond the city for burying grounds or for other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 1343. s 3. There shall be a city council to consist of a mayor and six councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city

council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner, two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

§ 1344. s 4. The mayor and councilors before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices, to the best of their abilities. Members of council to qualify.

§ 1345. s 5. A mayor and six councilors shall be elected biennially, and the first election under this act shall be at such times in said city, as the probate judge of Washington county shall direct. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers, and at the said first election, all electors within said city limits shall be entitled to vote. Elections authorized in said (this) section may be holden at the next or any subsequent general election. Election. Feb. 22, 1878.

§ 1346. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council. In case a majority of the members elect shall refuse or neglect to qualify within the specified time, the probate judge shall order another election to fill such vacancies. Those elected to be notified.

§ 1347. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner, to be provided by ordinance, not repugnant to the Powers of council.

Constitution of the United States or the laws of this Territory, and shall also be authorized to assess and collect a poll tax of one day's work, or in lieu thereof, two dollars in cash for each able-bodied man between the ages of eighteen and sixty years, to be applied upon the streets and water secs of said city.

As amended
Feb. 22, 1878.

§ 1348. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have power to appoint all such officers, by ordinance, as may be necessary; define the duties of all city officers and remove them from office at pleasure.

§ 1349. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security, for the faithful performance of their respective duties; and also to require of all other other officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1350. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city, but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise, of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards, and specify the boundaries thereof.

Ordinances
to be pub-
lished.

§ 1351. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted in three of the most public places

in the city. They shall not be in force until thus posted or published.

§ 1352. s 12. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Ordinances, how proven.

§ 1353. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall preform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace. They shall have exclusive original jurisdiction in all cases arising under the city ordinances, and shall issue such process as shall be necessary to carry said ordinances into execution. Appeals may be had from any decision or judgment of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace. Justices of the peace, their jurisdiction and duties.

§ 1354. s 14. The mayor shall be the chief executive officer of said corporation. He shall preside in the city council, and shall have power to veto any ordinance when not passed by two-thirds majority, and it shall be his duty to sign all city ordinances. Mayor, powers and duties of.

§ 1355. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance. Powers of council.

§ 1356. s 16. To license, regulate, prohibit or restrain the manufacturing, selling, or giving away of spirituous, vinous or fermented liquors; [to license and regulate] tavern keepers, dram shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 1357. s 17. The city council shall have exclusive power by ordinance to regulate the police of the city, to license, tax and regulate auctioneers, shows and amusements; to prohibit and suppress gaming, bawdy, and other disorderly houses.

Act when to be
in force.

§ 1358. s 18. This act shall be in force on and after the tenth day of April, one thousand eight hundred and seventy, and may be amended or repealed at the pleasure of the Legislative Assembly.

SILVER REEF.

SECTION.

- 1359 Boundaries;
corporation formed; seal.
- 1360 Powers of corporation.
- 1361 Council shall consist of mayor
and five councilors; justice
of the peace to be elected.
- 1362 Oath of mayor and councilors.
- 1363 First election.
- 1364 Notice to those elected; must
qualify; subsequent elections.
- 1365 Council, power to levy taxes.

SECTION.

- 1366 Power to appoint officers.
- 1367 Power to require bonds and
oath of officers.
- 1368 Power to make ordinances and
divide city into wards.
- 1369 Ordinances to be published or
posted.
- 1370 Ordinances, how proven.
- 1371 Mayor, powers and duties of.
- 1372 Act, to take effect when.

Feb. 22, 1878.

Boundaries.

§ 1359. s 1. All that portion of country situated within the following boundaries, to-wit: Beginning at a point one-half mile east of the Christy quartz mill, running south one mile, thence west two miles, thence north two miles, thence east two miles, thence south one mile to the place of beginning, shall be known and designated by the name of Silver Reef city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and may have and use a common seal, which they may change and alter at pleasure.

Inhabitants
constituted
body corpor-
ate.

Powers of
corporation.

§ 1360. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property beyond the city for burying grounds or other public purposes for the use of the

inhabitants of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 1361. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof; and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner one justice of the peace, who shall have the qualification of a voter, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Council to consist of mayor and five councilors.

Justice of the peace to be elected.

§ 1362. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Oath of mayor and councilors

§ 1363. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act, shall be at such time in said city as the probate judge of Washington county shall direct: *Provided*, Said election shall be on or before the first Monday of May next. Said election shall be held and conducted as now provided by law for holding of elections for county and Territorial officers; and, at the first election, all voters, legally qualified, shall be entitled to vote.

First election.

§ 1364. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof be made, as may be provided for by ordinance of the city council.

Notice to those elected.

Oath to be taken, when.

Subsequent elections.

Council, power
to levy taxes.

§ 1365. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, to be provided for by ordinance, not repugnant to the Constitution of the United States, or to the laws of this Territory.

To appoint
officers.

§ 1366. s 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

Power to re-
quire bonds
and oath of
officers.

§ 1367. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security, for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

To make
ordinances.

§ 1368. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; they shall have power to fill all vacancies that may happen by death, resignation or removal of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have the power to divide the city into wards and specify the boundaries thereof.

To divide city
into wards.

Ordinances
to be pub-
lished or
posted.

§ 1369. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances
how proven.

§ 1370. s 12. All ordinances of the city may be proven by the seal of corporation affixed thereto; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the

same shall be received in evidence in all courts and places, without further proof.

§ 1371. s 13. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance, when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances. Mayor, powers and duties of.

§ 1372. s 14. This act shall be in force on and after the first day of April, A. D. one thousand, eight hundred and seventy-eight, and may be amended or repealed at the pleasure of the Legislative Assembly. Act to take effect.

MANTI.

SECTION.

1373 Boundaries; corporation formed; seal.
1374 Powers of corporation.
1375 Council to consist of mayor, two aldermen, three councilors.
1376 Members of council to qualify.
1377 Elections.
1378 Qualification of electors.
1379-1406 Powers of council.
1407 Ordinances must be published.
1408 Ordinances, how proven.
1409 Mayor and aldermen conservators of the peace.

SECTION.

1410 Jurisdiction of mayor and aldermen.
1411 Meetings of council.
1412 Process, how directed and served
1413 Recorder's duties.
1414-1415 Property, how taken for streets.
1416 Mayor to be indicted for omission of duty, etc.
1417 Powers of council.
1418-1419 Powers of council.

§ 1373. s 1. All that portion of the county of Sanpete Feb, 6, 1851. which lies in the following boundaries, to-wit: Commencing Boundaries. at the corner of sections twenty-nine, thirty, thirty-one and thirty-two of township seventeen, south of range three east, Amended March 9, 1882. Salt Lake meridian, thence south on section line four miles, thence west on section line four miles to the east bank of the Sanpitch river, thence northerly along the east bank of said river to a point directly west from the place of beginning, thence east along the section line to the place of beginning,

shall be known and designated under the name and style of Manti city, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure.

Powers of
corporation.

§ 1374. s 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to
consist of
mayor, two
aldermen and
three council-
ors.

§ 1375. s 3. There shall be a city council, to consist of a mayor, two aldermen, and three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof; and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Members of
council to
qualify.

§ 1376. s 4. The mayor, aldermen and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and of this State, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1377. s 5. An election, for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and the returns thereof made in such manner as shall be provided for by the ordinances of the city council.

§ 1378. s 6. All inhabitants of the age of eighteen [twenty-one] years, who are entitled to vote for State

officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers. Qualifications of electors.

§ 1379. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half [of one] per cent. per annum, upon the assessed value thereof; and may enforce the payment of the same in any manner to be provided by ordinance not repugnant to the Constitution of the United States or of this State. Powers of council.

§ 1380. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure. Amended February 22, 1878.

§ 1381. s 9. The city council shall have power to require of all officers appointed in pursuance of this ordinance, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1382. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines, not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept any office in or under the corporation, or for misconduct therein; to divide the city into wards and specify the boundaries thereof.

§ 1383. s 11. To establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest

on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real estate, within this corporation.

§ 1384. s 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and enforce the same.

§ 1385. s 13. To appropriate and provide for the payment of the expenses and debts of the city.

§ 1386. s 14. To establish hospitals and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and to prevent and remove the same.

§ 1387. s 15. To provide the city with water, to dig wells, lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires and convenience of the inhabitants.

§ 1388. s 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

§ 1389. s 17. To provide for the lighting of the streets and erecting lamp posts, and establish, support and regulate night watches; to erect market houses, establish markets and market places and provide for the government and regulation thereof.

§ 1390. s 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city.

§ 1391. s 19. To license, tax and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

§ 1392. s 20. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carrying of persons and for wagonage, cartage and drayage of property, as also to license and regulate porters and fix the rates of portorage.

§ 1393. s 21. To license, tax, and regulate theatricals and other exhibitions, shows and amusements.

§ 1394. s 22. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

§ 1395. s 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof and stove pipes; and to organize and establish fire companies.

§ 1396. s 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustible materials.

§ 1397. s 25. To regulate and order parapet walls and other partition fences; to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs and to authorize the destruction of the same when at large contrary to city ordinances.

§ 1398. s 26. To establish standard weights and measures and to regulate the weights and measures to be used in the city in all cases not provided for by law.

§ 1399. s 27. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 1400. s 28. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 1401. s 29. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors; to provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky, brandy and all other spirituous and fermented liquors.

§ 1402. s 30. To regulate the weights, quality and price of bread sold and used in the city.

§ 1403. s 31. To provide for taking the enumeration of the inhabitants of the city.

§ 1404. s 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others for services rendered under this act or any city ordinance.

§ 1405. s 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables and from one to twenty pin alleys and every other description of gaming or gambling.

§ 1406. s 34. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges; to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures and the enforcement of such penalties; and to pass such ordinances as may be necessary and proper to carry into effect and execution the powers specified in this ordinance: *Provided*, that such ordinances are not repugnant to the Constitution of the United States or the laws of this State.

Ordinances
must be pub-
lished.

§ 1407. s 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances
how proven.

§ 1408. s 36. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places without further proof.

Mayor and al-
dermen to be
conservators
of the peace.

§ 1409. s 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the State. They shall, as justices of the peace, within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace in and for said city, by the Governor.

Jurisdiction of
mayor and
aldermen.

§ 1410. s 38. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen; arising under the ordinances of said city, in the same manner as appeals are taken from justices of the peace.

Meetings of
council.

§ 1411. s 39. The city council may sit at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

§ 1412. s 40. All process issued by the mayor or aldermen shall be directed to the marshal, and in the execution thereof he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Process, how directed and served.

§ 1413. s 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council.

Recorder's duties.

§ 1414. s 42. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Property, how taken for streets.

§ 1415. s 43. All jurors impaneled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

§ 1416. s 44. In case the mayor shall at any time, be guilty of any palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to indictment; and, on conviction, he shall be liable to fine and imprisonment; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court, that he be removed from office.

Mayor to be indicted for omission of duty, etc.

§ 1417. s 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor upon the streets or other public works until the same shall be fully paid, in all cases when such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Powers of council.

March 13, 1834.

Powers of
council.

§ 1418. s 1. The city council of Manti city, shall have power to annually assess, collect and expend, a water tax, to supply the city with water, for domestic and irrigating purposes, and may regulate the use of water for manufacturing purposes, and to tax individuals for the use of such water, in proportion to the amount of water used by each; *Provided*, That nothing herein contained shall be construed to interfere with the water rights accrued by priority of appropriation.

§ 1419. s 2. They shall have power to direct and control the location of railroad tracks within the city, and regulate the rate of speed at which the trains may run within the inhabited portion of said city.

EPHRAIM.

SECTION.

- 1420 Boundaries;
corporation formed; seal.
- 1421 Powers of corporation.
- 1422 Council to consist of mayor and
five councilors; two justices of
the peace to be elected.
- 1423 Mayor and councilors to qualify.
- 1424 Elections.
- 1425 Persons elected to qualify; sub-
sequent elections.

SECTION.

- 1426-1429 Powers of council.
- 1430 Ordinances must be published.
- 1431 Ordinances, how proven.
- 1432 Justices of the peace, powers
and jurisdiction of.
- 1433 Mayor, powers and duties of.
- 1434-1436 Powers of council.
- 1437 Act, when to take effect.

Feb. 14, 1868.

Boundaries.

Amended
March 1, 1884.Corporation
formed, seal.

§ 1420. s 1. All that district of Sanpete county embraced in the following boundaries, to-wit: Commencing at the centre of section ten in township seventeen, south range three east, Salt Lake meridian, thence one and a half miles west, thence one and a half miles north, thence one and a half miles east, thence one and a half miles south to the place of beginning, shall be known and designated under the name and style of the city of Ephraim, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 1421. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers of corporation.

§ 1422. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance. There shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

City council to consist of mayor and five councilors.

Two justices of the peace to be elected.

§ 1423. s 4. The mayor, and councilors, before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices, to the best of their skill and abilities.

Mayor and councilors to qualify.

§ 1424. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be held at such time in said city as the probate judge of Sanpete county shall direct: *Provided*, Said election shall be held on or before the first Monday in May next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election, all electors within said city limits shall be entitled to vote.

Elections.

Persons
elected to
qualify.

§ 1425. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Subsequent
elections.

Powers of
council.

§ 1426. s 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same, to be provided by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

Amended Feb.
22, 1878.

§ 1427. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1428. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1429. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, That such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power

to fill all vacancies that may happen by death, resignation, removal or otherwise of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 1430. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances
must be
published.

§ 1431. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Ordinances,
how proven.

§ 1432. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the city, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Justices of the
peace; powers
jurisdiction

§ 1433. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Mayor, powers
and duties.

§ 1434. s 15. The city council shall have power to restrain, regulate, or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

Powers of
council.

Mayor, powers
and duties of.

§ 1435. s 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 1436. s 17. The city council shall have power by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants, and retailers; to license, tax, and regulate theatrical and other exhibitions, shows and amusements; to tax, restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

Act when to
take effect.

§ 1437. s 18. This act shall be in force on and after the twentieth day of February, one thousand eight hundred and sixty-eight, and may be amended or repealed at the pleasure of the Legislative Assembly.

MORONI.

SECTION.

- 1438 Boundaries;
corporation formed; seal.
1439 Powers of corporation.
1440 Council to consist of mayor and
five councilors; two justices to
be elected.
1441 Mayor and councilors to qualify.
1442 Elections.

SECTION.

- 1443 Persons elected must qualify;
subsequent elections.
1444-1447 Powers of council.
1448 Ordinances must be published.
1449 Ordinances, how proven.
1450 Justices of the peace; powers,
duties and jurisdiction of.
1451 Mayor; powers and duties of.
1452 Act takes effect when.

§ 1438. s 1. All that portion of country situated within January 17, 1866.
the following boundaries, to-wit: Beginning at the southwest Boundaries.
corner of section nine, township fifteen, south range three east, Amended
Salt Lake meridian; thence south one-half mile; thence east March 11, 1886.
two and one-half miles; thence north two and one-half miles;
thence west two and one-half miles; thence south two miles,
to the place of beginning, shall be known and designated by
the name of Moroni city, and the inhabitants thereof are
hereby constituted a body corporate and politic by the name Corporation
aforesaid; and may have and use a common seal, which they formed, seal.
may change and alter at pleasure.

§ 1439. s 2. The inhabitants of said city, by the name Powers of
and style aforesaid, shall have power to sue and be sued, to corporation.
plead and be impleaded, defend and be defended in all courts
of law and equity and in all actions whatsoever; to purchase,
receive and hold property, real and personal, in said city;
to purchase, receive and hold real property beyond the
city for burying grounds or other purposes for the use of
the inhabitants of said city; to improve and protect such
property, and to do all other things in relation thereto, as
natural persons.

§ 1440. s 3. There shall be a city council to consist of Council to con-
a mayor and five councilors, who shall have the qualifications sist of mayor
of electors of said city, and shall be chosen by the qualified and five coun-
voters thereof, and shall hold their offices for two years, and cilors.
until their successors shall be elected and qualified. The city
council shall judge of the qualifications, elections and returns

Two justices of the peace to be elected.

of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace who shall have the qualifications of voters, be commissioned by the Governor and have jurisdiction in all cases arising under the ordinances of the city.

Mayor and councilors to qualify.

§ 1441. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1442. s 5. One mayor and five councilors shall be elected biennially and the first election under this act shall be at such time in said city as the probate judge of Sanpete county shall direct; *Provided*, Said election shall be on or before the first Monday in August next. Said election shall be held and conducted as is now provided by law for the holding of elections for county and Territorial officers; and, at the said first election, all residents, over twenty-one years of age, within said city limits, shall be entitled to vote.

Persons elected to be notified; must qualify.

§ 1443. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take an oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.

Subsequent elections.

Powers of council.

§ 1444. s 7. The city council shall have authority to levy and collect taxes, for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same to be provided for by ordinance, not repugnant to the Constitution of the United States or to the laws of this Territory.

§ 1445. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the

power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1446. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security, for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1447. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof, and shall have control of the water of the Sanpitch river: *Provided*, That such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon, and shall have control of the water courses and mill privileges within said city, but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation or removal of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 1448. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances
must be pub-
lished.

§ 1449. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Ordinances,
how proven.

Justices of the
peace, powers,
duties and
jurisdiction of.

§ 1450. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices arising under the ordinances of said city, or laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 1451. s 14. The mayor shall be the chief executive officer of said corporation, he shall preside in the city council and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Act takes
effect when.

§ 1452. s 15. This act shall be in force on and after the tenth day of February, 1866, and may be amended or repealed at the pleasure of the Legislative Assembly.

MOUNT PLEASANT.

SECTION.

- 1453 Boundaries;
corporation formed; seal.
1454 Powers of corporation.
1455 Council to consist of mayor and
five councilors; two justices to
be elected.
1456 Mayor and councilors to qualify.
1457 Elections.
1458 Persons elected to qualify; sub-
sequent elections.

SECTION.

- 1459-1462 Powers of council.
1463 Ordinances to be published.
1464 Ordinances, how proven.
1465 Justices of the peace; powers,
duties and jurisdiction of.
1466 Mayor; powers and duties of.
1467-1469 Powers of council.
1470 Act, when to take effect.
1471 Powers of council.

§ 1453. s 1. All that portion of Sanpete county embraced Feb. 20, 1868.
within the following boundaries, to-wit: Beginning at the Boundaries.
mouth of Cedar creek canyon, thence running westwardly
down the centre of the channel of said Cedar creek to the
bridge on the road leading from Springtown to Mount Pleasant,
as traveled at the present time, giving half the waters of
Cedar creek to Springtown during the season of irrigation,
and from said bridge running a due west course until it shall
intersect the eastern boundary of Moroni city, thence north
along said eastern boundary four miles, thence eastwardly,
crossing Sanpitch river to Birch creek, thence up the centre
of said Birch creek to the mountains, giving half the waters
of said Birch creek to Mount Pleasant, and the other half to
Fairview, thence southwardly along the slopes of the moun-
tains to the place of beginning, shall be known and designated
under the name and style of Mount Pleasant, and the inhabit-
ants thereof are hereby constituted a body corporate and Corporation
formed, seal.
politic by the name aforesaid, and may have and use a common
seal, which they may change and alter at pleasure.

§ 1454. s 2. The inhabitants of said city, by the name Powers of cor-
poration.
and style aforesaid, shall have power to sue and be sued, to
plead and be impleaded, defend and be defended in all courts
of law and equity, and in all actions whatsoever; to purchase,
receive and hold property, real and personal, in said city; to
purchase receive and hold real property beyond the city for
burying grounds or for other public purposes for the use of
the inhabitants of said city; to sell, lease, convey or dispose of

property real and personal for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to consist of mayor and five councilors.

§ 1455. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall from a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor and have jurisdiction in all cases arising under the ordinances of the city.

Two justices of the peace to be elected.

Mayor and councilors to qualify.

§ 1456. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1457. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such times in said city as the probate judge of Sanpete county shall direct: *Provided*, Said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election, all electors within said city limits shall be entitled to vote.

Persons elected to qualify.

§ 1458. s 6. The clerks of election shall leave with each person elected or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him perserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinances of the city council.

§ 1459. s 7. The city council shall have authority to ^{Powers of council.} levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same in any manner to be provided by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

§ 1460. s 8. The city council shall have power to ^{Amended February 22, 1878.} appoint a supervisor of streets. They shall also have power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1461. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1462. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, That such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon, or any rights granted in this charter; and shall have control of the water courses and mill privileges within said city, but in no case shall they interfere with the natural rights of others acquired in relation to water privileges within said city. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise, in any of the offices herein made elective; to fix and establish the fees of the officers of said corporation, to impose such fines, not exceeding one hundred dollars, and imprisonment not exceeding six months, for each offence, for the breach or violation of any city ordinance; to divide the city into wards and specify the boundaries thereof.

Ordinances to
be published.

§ 1463. s 11. All ordinances passed by the city council shall within ten days after their passage, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up.

Ordinances,
how proven.

§ 1464. s 12. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Justices of the
peace, power,
duties and
jurisdiction of.

§ 1465. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of this Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 1466. s 14. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council and shall have power to veto any ordinance when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 1467. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 1468. s 16. To prohibit or restrain the manufacturing, selling, or giving away of spirituous, vinous or fermented liquors, to tax and regulate hotel keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places of entertainment.

§ 1469. s 17. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax, and regulate auctioneers, merchants and retailers and theatrical and other exhibitions, shows, amusements and gaming; to restrain, prohibit and suppress gambling, bawdy and other disorderly houses.

§ 1470. s 18. This act shall be in force on and after the first Monday in April, one thousand eight hundred and sixty-eight, and may be amended or repealed at the pleasure of the Legislative Assembly. Act when to take effect.

§ 1471. s 1. That the city council of Mount Pleasant shall have power to annually assess, collect and expend a water tax to supply the city with water for domestic and irrigating purposes, and may regulate the use of water for manufacturing purposes, and to tax individuals for the use of such water in proportion to the amount of water used by each; *Provided*, That nothing herein contained shall be construed to interfere with the water rights accrued by priority of appropriation. March 13, 1884. Powers of council.

SPRING CITY.

SECTION.

- 1472 Boundaries;
corporation formed; seal.
1473 Powers of corporation.
1474 Council to consist of mayor and
six aldermen; two justices of
the peace to be elected.
1475 Mayor and councilors to qualify.
1476 Elections.
1477 Persons elected must qualify.

SECTION.

- 1478-1481 Powers of council.
1482 Ordinances must be published.
1483 Ordinances, how proven.
1484 Justices of the peace, powers,
duties and jurisdiction of.
1485 Mayor, power and duties of.
1486-1490 Powers of council.
1491 Act, takes effect when.

Feb. 11, 1870.

Boundaries.

§ 1472. s 1. All that portion of Sanpete county embraced in the following boundaries, to-wit: Beginning at Cedar creek bridge on the county road, between Mount Pleasant city and Springtown, thence along the south line of Mount Pleasant city boundary, to the southeast corner of said city corporation, thence in a southwesterly direction to the southeast corner of Springtown precinct, thence westerly to the south line of Springtown meadow survey, thence along said line to Sanpitch river, thence up the center of said river three-fourths of a mile, thence east to the dugway, on the county road, between Ephraim city and Moroni city, thence north-erly to the southeast corner of Moroni city corporation, thence northeasterly to the south line of Mount Pleasant city bound-ary, one and a fourth miles west of Cedar creek bridge, thence east along said line to the place of beginning, shall be known and designated under the name and style of Spring city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style aforesaid and may have and use a common seal, which they may change and alter at pleasure.

Corporation
formed, seal.Powers of
corporation.

§ 1473. s 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the

inhabitants of said city; to sell, lease, convey or dispose of property, real and personal for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

§ 1474. s 3. There shall be a city council, to consist of Council to consist of mayor and six councilors. a mayor and six councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters therof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also in like manner be elected, two justices of the Two justices of the peace to be elected. peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

§ 1475. s 4. The mayor and councilors before entering Mayor and councilors to qualify. upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

§ 1476. s 5. A mayor, six councilors and two justices Elections. of the peace, shall be elected biennially, and the first election under this act shall be at such time and place in said city, as the probate judge of Sanpete county shall direct: *Provided*, Said election shall be on or before the first Monday in August next. Said election shall be held and conducted as is now provided by law for the holding of elections for county and Territorial officers; and at the said first election, all electors residing within said city limits shall be entitled to vote.

§ 1477. s 6. The clerks of election shall leave with Persons elected must qualify. each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be

held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

Powers of
council.
Amended
Feb 22, 1878.

§ 1478. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner, to be provided for by ordinance, not repugnant to the Constitution of the United States, or the laws of this Territory.

§ 1479. s 8. The city council shall have power to appoint a supervisor of streets, and all other officers, by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

§ 1480. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security, for the faithful performance of their respective duties; and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1481. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, good order, benefit, regulation, convenience and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, That such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon, or any rights granted in this charter; and shall have control of the water courses and mill privileges within said city, but in no case shall they interfere with the natural rights of others, acquired in relation to water privileges within said city. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise in any of the offices herein made elective; to fix and establish the fees of the officers of said corporation, to impose such fines not exceeding one hundred dollars, and imprisonment, not exceeding six months for each offence, for the breach or

violation of any city ordinance; to divide the city into wards, and specify the boundaries thereof.

§ 1482. s 11. All ordinances passed by the city council shall, within ten days after their passage, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up. Ordinances must be published.

§ 1483. s 12. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. Ordinances how proven.

§ 1484. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, and give the same bonds and securities as other justices of the peace. They shall have exclusive original jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices arising under the ordinances of said city, or the laws of this Territory, in the same manner as appeals are or may be taken from other justices of the peace. Justices of the peace jurisdiction, powers and duties of.

§ 1485. s 14. The mayor shall be the chief executive officer of said corporation. He shall preside in the city council, and shall have power to veto any ordinance, but when passed by two-thirds majority after considering his objections, it shall be his duty to sign all such ordinances: *Provided*, That in the absence of the mayor at any meeting of the council, the council shall have power to appoint one of their number to preside. Mayor, powers and duties of.

§ 1486. s 15. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance. Powers of council.

§ 1487. s 16. To prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, to tax and regulate hotel keepers, victualing or coffee houses, restaurants, saloons, or other houses or places of entertainment.

§ 1488. s 17. The city council shall have exclusive power by ordinance to regulate the police of the city, to license, tax and regulate auctioneers, merchants, retailers, theatricals, and other exhibitions, shows and amusements; to prohibit and suppress gaming; to prohibit and suppress bawdy and other disorderly houses.

§ 1489. s 18. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws and enforce the same within the city.

§ 1490. s 19. To establish hospitals and make regulations for the government of the same. To make regulations to secure the general health of the inhabitants, to declare what shall be nuisances and prevent and remove the same.

§ 1491. s 20. This act shall be in force on and after the first Monday in April, eighteen hundred and seventy, and may be amended at the pleasure of the Legislative Assembly.

Act when to
take effect.

FAIRVIEW.

SECTION.

- 1492 Boundaries;
 corporation formed; seal.
 1493 Powers of corporation.
 1494 Council to consist of mayor and
 six councilors.
 1495 Mayor and councilors to qualify.
 1496 Elections.
 1497 Persons elected to qualify; sub-
 sequent elections.

SECTION.

- 1498-1500 Powers of council.
 1501 Ordinances must be published.
 1502 Ordinances, how proven.
 1503 Mayor, powers and duties of.
 1504-1507 Powers of council.
 1508 Justices of the peace, powers
 and jurisdiction of.
 1509 Appeals from justices' court.

§ 1492. s 1. All that portion of country situated within the following boundaries, to-wit: Beginning at the south-east corner of section twelve, township fourteen, south of range four east; thence west to the southwest corner of section ten of said township and range; thence north to the northwest corner of section thirty-four, township thirteen, south of range four east; thence east to the northeast corner of section thirty-six, township thirteen south of range four east; thence south to the place of beginning, shall be known and designated by the name of the city of Fairview, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and may have and use a common seal, which they may change and alter at pleasure.

Feb. 16, 1872.

Boundaries.

Amended
March 11, 1886.Corporation
formed; seal.

§ 1493. s 2. The inhabitants of said city, by the name and style aforesaid shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers of
corporation.

§ 1494. s 3. There shall be a city council, to consist of a mayor and six councilors who shall [have] the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices

Council to con-
sist of mayor
and six coun-
cilors.

for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Mayor and councilors to qualify.

§ 1495. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Elections.

§ 1496. s 5. A mayor, six councilors and two justices of the peace shall be elected biennially, and the first election under this act shall be at such time and place as the probate judge of Sanpete county shall direct: *Provided*, Said election shall be on or before the first Monday in August next. Said election shall be held and conducted as is now provided by law for the holding of elections for county and Territorial officers; and, at the said first election, all electors residing within the limits of said city shall be entitled to vote.

Persons elected to qualify.

§ 1497. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Subsequent elections.

Powers of council.

Amended Feb. 22, 1878.

§ 1498. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same in any manner to be provided by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

§ 1499. s 8. The city council shall have power to appoint a supervisor of streets. They also have power to appoint all such other officers, by ordinance, as may be neces-

sary, define the duties of all city officers and remove them from office at pleasure.

§ 1500. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1501. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water courses and mill privileges within said city; *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish the fees of the officers of said corporation; to impose such fines, not exceeding one hundred dollars, and imprisonment not exceeding six months, for each offence, for the breach or violation of any city ordinance; to divide the city into wards and specify the boundaries thereof.

§ 1502. s 11. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Ordinances must be published.

§ 1503. s 12. All ordinances of the city may be proven by the seal of the corporation; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Ordinances how proven.

§ 1504. s 13. The mayor shall be chief executive officer of said corporation. He shall preside in the city council, and shall have power to veto any ordinances, but when passed by a two-thirds majority, after considering his objections, if Mayor, powers and duties of.

he still declines to approve the ordinance, it shall go into effect without his approval, a statement to that effect being attached thereto: *Provided*, that in the absence of the mayor at any meeting of the council, the council shall have power to appoint one of their number to preside.

Amended
March 11, 1886.

Powers of
council.

§ 1505. s 14. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants, retailers; theatricals and other exhibitions, the use of pool tables, billiard tables, shows and amusements; to prohibit and suppress gaming; to prohibit and suppress bawdy and other disorderly houses and punish the keepers thereof.

§ 1506. s 15. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws and enforce the same within the city. To establish hospitals and make regulations for the government of the same. To make regulations to secure the general health of the inhabitants, to declare what shall be nuisances and prevent and remove the same.

§ 1507. s 16. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 1508. s 17. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors; [to tax and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing, or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

Justices of the
peace, powers
and jurisdic-
tion of.

§ 1509. s 18. The justices of the peace provided for in this act shall hold their offices for two years and until their successors are qualified, and shall have exclusive original jurisdiction in all cases arising under the ordinances of the corporation, and issue such process as may be necessary to carry such ordinances into execution, and may exercise civil and criminal jurisdiction in cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, give the same bonds and securities

as other justices of the peace and shall be commissioned by the Governor.

§ 1510. s 19. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace. ^{Appeals from justice's court.}

GRANTSVILLE.

SECTION.

- 1511 Boundaries, corporation formed; seal.
- 1512 Powers of corporation.
- 1513 Council to consist of mayor, three aldermen, five councilors.
- 1514 Election for members of council and justice of the peace.
- 1515 First election, how conducted
- 1516 Subsequent elections, how conducted.
- 1517 Majority of council to form quorum, may make rules; mayor to preside.
- 1518 Council may hold stated meetings; special, how called.
- 1519 Council may appoint certain officers.
- 1520 Elective officers, how removed.
- 1521 Vacancies, how filled; all officers to qualify.

SECTION.

- 1522 Council may divide city into wards.
- 1523 Justice of the peace, his jurisdiction and duties.
- 1524 Process, how directed and executed.
- 1525 Recorder, his powers and duties.
- 1526 Treasurer; duties of.
- 1527-1530 Powers of council.
- 1531 Assessment roll, council to hear objections to.
- 1532 Assessment roll to be furnished collector; how taxes collected.
- 1533-1569 Powers of council.
- 1570 Ordinances to be published.
- 1571 Ordinances, how proven.
- 1572-1573 How private property taken for streets.
- 1574 Powers of conservators of the peace.
- 1575 Financial statement.

§ 1511. s 1. All that district of country embraced in ^{Jan. 12, 1867.} the following boundaries in Tooele county, to-wit: Com- ^{Boundaries} mencing two and a half miles due east from a point known as the "lumber bridge" situated on the county road running through Grantsville, in Tooele county, thence south two miles, thence west four and a half miles, thence north four and a half miles, thence east four and a half miles, thence south two and one-half miles to the place of beginning, shall be known and designated under the name and style of Grantsville city; and the inhabitants thereof are hereby constituted

Corporation
formed, seal.

a body corporate and politic by the name aforesaid, and shall have perpetual succession and may have and use a common seal, which they may change and alter at pleasure.

Powers of
corporation.

§ 1512. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive, hold, sell, lease, convey and dispose of property real and personal for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Council to
consist of
mayor, three
aldermen and
five councilors

§ 1513. s 3. The municipal government of said city is hereby vested in a city council, to be composed of a mayor, three aldermen, one from each ward, and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified.

Amended Feb.
3, 1869.
Elections.

§ 1514. s 4. An election shall be held on the first Monday of August next, and every two years thereafter, on said day, at which there shall be elected one mayor, three aldermen and five councilors and one justice of the peace; and the persons respectively receiving the highest number of votes cast in the city, for said offices, shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the city council.

First election
how conducted

§ 1515. s 5. The first election under this act shall be conducted in the following manner, to-wit: The county clerk of Tooele county shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the probate judge of Tooele county, at least one week previous to the day of election. Said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation before the county court for the faithful performance of said duties. The polls shall be open at eight o'clock a. m., and shall close at six o'clock p. m. At the close of the election the judges shall seal up the ballot box and the list of the names of the

electors and transmit the same, within two days from the time of holding such election, to the county clerk of Tooele county. As soon as the returns are received, the county clerk, in the presence of the probate judge, shall unseal and examine them, and furnish within five days, to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the county clerk in presence of the probate judge.

§ 1516. s 6. All subsequent elections held under this act shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council. Subsequent elections.

§ 1517. s 7. The city council shall be judge of the qualifications, elections and returns of their own members; and a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; and the mayor shall preside when present, and have a casting vote; and in the absence of the mayor, any alderman present may be appointed to preside over said meeting. Council may make rules; mayor to preside.

§ 1518. s 8. The city council may hold stated meetings, and special meetings may be called by the mayor, or any two aldermen by notice to each of the members of said council, served personally or left at his usual place of abode. Council, stated and special meetings.

§ 1519. s 9. The city council shall have power to appoint a recorder (1) (who shall be the auditor of public accounts), supervisor of streets, surveyor, an attorney, a sexton, a sealer of weights and measures, and such other officers as may be necessary; define their duties, remove them from office at pleasure, and fix and establish the fees of all city officers. Amended Feb. 22, 1878.

§ 1520. s 10. All officers elected in accordance with the fourth section of this act may be removed for cause from such office by a vote of two-thirds of the city council, and shall be furnished with the charges, and have an opportunity to be heard in their defense, and the council shall have power to compel the attendance of witnesses, and the production of papers when necessary. Elective officers, how removed.

§ 1521. s 11. When any vacancy shall happen by the death, resignation or removal of any officer, such vacancy may be filled by the city council, and every person elected or Vacancies, how filled.

(1) Made elective by act of February 22, 1878.

Officers to
qualify.

appointed to any office under this act shall, before he enters upon the duties thereof take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of the city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and he shall be required to give bonds as shall be prescribed by city ordinances, which oath and bond shall be filed with the city recorder.

Council to
divide city into
wards.

§ 1522. s 12. The city council shall have power to divide the city into wards, and specify the boundaries thereof, and when necessary create additional wards, and add to the number of aldermen and councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said city.

Justice of the
peace, powers
jurisdiction,
and duties of.
As amended,
Feb. 25, 1882.

§ 1523. s 13. The justice of the peace shall be a conservator of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace; and when so qualified shall possess the same powers and jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned by the Governor as a justice of the peace in and for said city. The justice of the peace shall have jurisdiction in all cases arising under the ordinance of the corporation. He shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the city treasury, and all fines and forfeitures arising under the laws of the Territory into the county treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city. Appeals may be had from any decision or judgment of a justice's court in the same manner as are or may be provided by statute for appeals from justices' courts, and he shall account for, and pay over to the city treasurer within three months all fines and forfeitures received by him, by virtue of his office, and he shall keep a docket subject at all times to the inspection of the city council and all other parties interested.

Process, how
directed and
served.

§ 1524. s 14. All process issued by the justice of the peace shall be directed to the marshal, or other legal officer, and in execution thereof, he shall be governed by such rules and regulations as may be provided by city ordinance.

§ 1525. s 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and all other parties interested, and shall audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city, and he is hereby authorized to take the acknowledgment of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinance.

Recorder's
duties.

§ 1526. s 16. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the city council shall direct. He shall pay all funds that may come to hand, by virtue of his office, upon orders signed by the auditor of public accounts, and shall report to the city council a true account of his receipts and disbursements, as they may require.

Treasurer's
duties.

§ 1527. s 17. The city council shall have power, within the city, by ordinance to annually levy and collect taxes on the assessed value of all property in the city made taxable by the laws of the Territory, for the following named purposes, to-wit: not to exceed five mills on the dollar for contingent expenses, nor to exceed five mills on the dollar to open, improve and keep in repair the streets of the city. The city council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes and for furnishing the city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, to control the water courses leading thereto.

Powers of
council.

§ 1528. s 18. The city council shall have the management and control of the finances and property of said city.

§ 1529. s 19. To require and it is hereby made the duty of every male resident of the city, over the age of eighteen and under the age of fifty years, to labor not to exceed two days in each year upon the streets; but every person may, at his option, pay two dollars for the day he shall be so bound to labor: *Provided*, it be paid within five days from the time he shall be notified by the street supervisor. In default of payment as aforesaid, the same may be collected as other taxes.

Poll tax.

§ 1530. s 20. The city council shall have power to borrow money for city purposes, the interest of which shall not exceed one-fourth of the city revenue arising from taxes of the previous year.

Assessment roll, when to be returned; council may hear objections to.

§ 1531. s 21. The city council shall have power by ordinance to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or before the first Monday in June of each year, but the time may be extended or additions made thereto by order of the city council. On the return thereof, the city council shall fix a day for hearing objections thereto; and any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections, which shall be heard and determined upon by the city council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

Collector to be furnished with list of taxes.

§ 1532. s 22. The collector shall be furnished, within thirty days after the assessment rolls are corrected, with a list of taxes to be collected; and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost by suit in the corporate name, as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

Powers of council.

§ 1533. s 23. To appropriate and provide for the payment of the expenses and debts of the city.

§ 1534. s 24. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws, and enforce the same within the city and around it, not exceeding ten miles next beyond the boundaries thereof.

§ 1535. s 25. To examine, license and regulate the practice of surgeons and physicians; to prohibit, prevent and punish, by fine and imprisonment, the imposition of quacks and other medical pretenders; to establish hospitals and infirmaries, and make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and prevent and remove the same.

§ 1536. s 26. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires, and the convenience of the inhabitants.

§ 1537. s 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin, or other combustible or dangerous materials, within the city, and to regulate the conveying of gunpowder.

§ 1538. s 28. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, sidewalks or cross walks, and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner and protect the same from any encroachment and injury.

§ 1539. s 29. To provide for the lighting of streets and erecting lamp posts; to erect market houses and establish markets and market places, and to provide for the government and regulation thereof.

§ 1540. s 30. To provide for the erection of all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

§ 1541. s 31. To license, regulate, prohibit or restrain the manufacturers, sellers or venders of spirituous or fermented liquors, tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous or fermented.

§ 1542. s 32. To license, tax, and regulate auctioneers, merchants, retailers, groceries, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

§ 1543. s 33. To regulate the selling or giving away of any ardent, spirituous or other intoxicating liquors by any shop keeper, grocer, or trader, to be drank in any shop, store, grocery, outhouse, yard, garden or other place within the city, except by persons or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

§ 1544. s 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license and restrain the sale of fresh meat and vegetables in the city.

§ 1545. s 35. To license, tax, regulate suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys, or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming and all kinds of gambling; to prevent any riot, noise, disturbance or disorderly assemblages; and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 1546. s 36. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities; caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

§ 1547. s 37. To license, tax, and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for wagonage, cartage and drayage of property; as also to license and regulate porters and fix the rate of portorage.

§ 1548. s 38. To provide for the prevention and extinguishment of fires, to regulate the fixing of chimneys and the flues thereof, and stove pipes, and to organize and establish fire companies.

§ 1549. s 39. To regulate and order parapet walls and other partition fences.

§ 1550. s 40. To establish standard weights and measures and to regulate the weights and measures to be used in the city, in all cases not provided for by law.

§ 1551. s 41. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 1552. s 42. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

§ 1553. s 43. To provide for and regulate the inspection of tobacco, beef, pork, flour and meal; also beer, whisky and brandy, and all other spirituous or fermented liquors.

§ 1554. s 44. To regulate the weight and quality of bread sold and used in the city.

§ 1555. s 45. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

§ 1556. s 46. To provide for taking the enumeration of the inhabitants of the city; to regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons, and others for any default in the premises.

§ 1557. s 47. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals, to provide for the putting up of posts in the front of city lots to which to fasten horses and other animals; to compel the fastening of horses, mules, oxen or other animals attached to vehicles, whilst standing or remaining in the streets.

§ 1558. s 48. To prevent the incumbering of the streets or sidewalks, lanes, alleys or public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobes or any material or substance whatever.

§ 1559. s 49. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance.

§ 1560. s 50. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place to cleanse, remove or abate the same from time to time, as oft as may be necessary for the health, comfort and convenience of the inhabitants of said city.

§ 1561. s 51. To direct the location and management of, and regulate breweries and tanneries; and to direct the location, management and construction of and restrain or prohibit within the city distilleries, slaughtering establishments and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

§ 1562. s 52. To prevent any person from bringing, depositing or having within the limits of the city any dead

carcass or any unwholesome substance, and to require the removal or destruction of the same by any person who shall have placed or caused to be placed upon or near his premises or near any of the streams of this city any such substance or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the removal or destruction of the same by any officer of said city.

§ 1563. s 53. To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

§ 1564. s 54. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, performances and devices tending to disturb the peace and quiet of the city.

§ 1565. s 55. To grant and issue licenses and direct the manner of issuing and registering thereof. Bonds may be taken on the granting of licenses, for the due observance of the ordinances of the city council.

§ 1566. s 56. To require every merchant, retailer, trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

§ 1567. s 57. The city council shall have power to make such ordinances and resolutions, not contrary to nor conflicting with the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the city council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties not exceeding one hundred dollars or imprisonment not to exceed six months, or both.

§ 1568. s 58. The city council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance; to provide for the recovery of such fines and forfeitures and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances, not repugnant to the Constitution and laws of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers speci-

fied in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

§ 1569. s 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

§ 1570. s 60. All ordinances passed by the city council shall, within one month after they have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in said city. Ordinances to be published.

§ 1571. s 61. All ordinances of the city may be proven by the seal of the corporation, and, when printed or published in book form, purporting to be printed or published by authority of the city council, the same shall be received in evidence in all courts or places without further proof. Ordinances how proven.

§ 1572. s 62. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, a justice of the peace shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city. Property, how taken for streets.

§ 1573. s 63. All jurors impaneled to enquire into the amounts of benefit or damage that shall happen to the owners of property so proposed to be taken shall first be sworn to that effect, and shall return to the mayor or presiding officer of the city council, their inquest in writing, signed by each juror.

§ 1574. s 64. All officers of the city, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace; commit for examination, and, if necessary, detain such persons in custody not exceeding forty-eight hours in the city prison or other safe place; and shall have Powers of conservators of the peace.

and exercise such other powers, as conservators of the peace, as the city council may prescribe.

Financial
statement.

§ 1575. s 65. The city council shall cause to be published in some newspaper published in Grantsville city, or posted up in three public places on or before the first day of December in each year, a statement of the amount of the city revenue, specifying in said statement whence derived and for what disbursed.

TOOELE.

SECTION.

1576 Boundaries;
corporation formed; seal.
1577 Powers of corporation.
1578 Council to consist of mayor, two
aldermen, three councilors.
1579 Members of council to qualify.
1580 Elections.
1581 Who entitled to vote.

SECTION.

1582-1585 Powers of council.
1586 Ordinances must be published.
1587 Ordinances, how proven.
1588 Justices of the peace; powers
and duties of.
1589 Jurisdiction of justices of the
peace.
1590-1591 Powers of council.

Jan 13, 1863.
Boundaries.
Amended
Feb. 23, 1882.

§ 1576. s 1. All that portion of country situated within the following boundaries, to-wit: Beginning at the northeast corner of section twenty-two, in township three, south of range four west, Salt Lake meridian, thence west three miles, thence south three miles, thence east three miles, thence north three miles to place of beginning, shall be known and designated by the name of Tooele city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid; and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure.

Corporation
formed, seal.

Powers of
corporation.

§ 1577. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts

of law and equity and in all actions whatsoever; to purchase, receive and hold property real and personal in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

§ 1578. s 3. There shall be a city council to consist of a mayor, two aldermen and three councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Council to consist of mayo., two aldermen, and three councilors.

§ 1579. s 4. The mayor, aldermen and councilors, before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Members of council to qualify.

§ 1580. s 5. On the first Monday of August next, and every two years thereafter, on said day, an election shall be held for the election of a mayor, two aldermen and three councilors; and at the first election under this act, two judges shall be chosen, *viva voce*, by the electors present. The said judges shall choose one clerk; and the judges and clerk, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks of election shall leave with each person elected,

Elections.

or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Who entitled
to vote.

§ 1581. s 6. All inhabitants who are of the age of twenty-one years, who are entitled to vote for Territorial officers, and who shall be actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Powers of
council.

§ 1582. s 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same in any manner to be provided for by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

§ 1583. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

§ 1584. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers, appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1585. 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for

the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines, not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under said corporation, or for misconduct therein, to divide the city into wards and specify the boundaries thereof.

§ 1586. s 11. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Ordinances must be published.

§ 1587. s 12. All ordinances of the city may be proven by the seal of the corporation; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Ordinances, how proven.

§ 1588. s 13. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as other justices of the peace in and for said city by the Governor. Justice of the peace; powers and duties of.

§ 1589. s 14. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, in the same manner as appeals are taken from justices of the peace. Jurisdiction of justices of the peace.

§ 1590. s 15. To license, regulate, prohibit, or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing Powers of council.

or coffee houses, restaurants, saloons, or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

Powers of
council.

§ 1591. s 16. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

COALVILLE.

SECTION.

- 1592 Boundaries;
corporation formed; seal.
- 1593 Corporation powers of.
- 1594 Council to consist of mayor, and
five councilors; two justices to
to be elected.
- 1595 Members of the council to
qualify.
- 1596 Elections, when held.
- 1597 Notice to those elected; sub-
sequent elections.

SECTION

- 1598-1602 Powers of council.
- 1603 Ordinances must be published or
posted.
- 1604 Ordinances, how proven.
- 1605 Justices of the peace, powers
and duties of.
- 1606 Mayor; powers and duties of.
- 1607-1609 Powers of council.
- 1610 Act, when to be in force.

Jan. 16, 1867.

Boundaries.

Amended,
Feb. 3, 1868.

§ 1592. s 1. All that district of country embraced in the following boundaries in Summit county, to-wit: Commencing at the Wasatch coal bed, thence running east two miles, thence north two miles, thence west four miles, thence south five miles, thence east four miles, thence north three miles, till it intersects the line running east from the place of beginning, shall be known and designated under the name and style of Coalville city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure.

Corporation
formed, seal.

§ 1593. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to

plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers of
corporation.

§ 1594. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city.

Council to
consist of
mayor and five
councilors.

§ 1595. s 4. The mayor and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

Members of
council to
qualify.

§ 1596. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time and place as the probate judge of Summit county shall direct: *Provided*, Said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and at the said first election, all electors within said city limits shall be entitled to vote.

Elections.

§ 1597. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the

Those elected
to qualify.

Subsequent
elections.

election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Powers of
council.

§ 1598. s 7. The city council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, to be provided for by ordinance not repugnant to the Constitution of the United States or to laws of this Territory.

Amended Feb.
22, 1878.

§ 1599. s 8. The city council shall have power to appoint a supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1600. s 9. The city council shall have power to require of all officers appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1601. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the benefit and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, that such control shall not be exercised to the injury of any rights already acquired by actual settlers; and shall have control of the water courses and mill privileges within said city, but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal or otherwise, of any of the offices herein made elective; to fix and establish the fees of the officers of said corporation. The city council

shall have power to divide the city into wards and specify the boundaries thereof.

§ 1602. s 11. The city council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries or toll bridges.

§ 1603. s 12. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up. Ordinances to be published.

§ 1604. s 13. All ordinances of the city may be proven by the seal of [the] corporation affixed thereto; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof. Ordinances, how proven.

§ 1605. s 14. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall preform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace. Justices of the peace, powers and jurisdiction of.

§ 1606. s 15. The mayor shall be the chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinances when not passed by four-fifths majority, and it shall be his duty to sign all city ordinances. Mayor, powers and duties of

§ 1607. s 16. The city council shall have power to restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same, when at large contrary to city ordinance. Powers of council.

§ 1608. s 17. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 1609. s 18. The city council shall have exclusive power, by ordinance, to regulate the police of the city; to license, tax and regulate auctioneers, merchants and retailers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to tax, restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

Act when to
take effect

§ 1610. s 19. This act shall be in force on and after the 10th day of February, 1867, and may be amended or repealed at the pleasure of the Legislative Assembly.

PARK CITY.

SECTION.	SECTION.
1611 Boundaries: corporation formed.	1625 Treasurer to be furnished list of taxes; must collect, how.
1612 Powers of corporation.	1626 Assessor's roll to be evidence.
1613 City divided into wards.	1627-1630 Powers of council; ordi- nances to be published.
1614 Council to be composed of mayor and six aldermen.	1631 Ordinances; how proven.
1615 Elections, when held and what officers to be elected.	1632 Salary of mayor and aldermen.
1616 Elections how conducted; quali- fications of electors.	1633 Recorder's duties.
1617 Stated meetings of council.	1634 Police justice, jurisdiction of.
1618 Mayor to preside and have cast- ing vote; a president to be elected.	1635 Process, how directed.
1619 Mayor's duties.	1636 Police justice to pay over moneys
1620 Council to appoint certain offi- cers; vacancies.	1637 Police justice shall keep a docket.
1621 Council has power to levy taxes.	1638 Treasurer's duties.
1622 Council to prescribe form of assessment roll.	1639 Marshal's duties.
1623 Council to determine the amount of tax.	1640 Marshal's powers.
1624 Assessor to make assessment; when returned; council to hear objections to.	1641 Mayor and aldermen, how to qualify.
	1642 Other officers, how to qualify.
	1643 Claims, how audited
	1644 Justice and constable of precinct; jurisdiction not impaired.
	1645 Fees of justice and marshal.
	1646 Alderman moving vacates office.
	1647 Repealing clause.
	1648 Act takes effect when.

§ 1611. s 1. So much of the county of Summit in the March 1, 1884.
Territory of Utah, included in sections nine, ten, fifteen, six- Boundaries.
teen, and the north half of sections twenty-one and twenty-two
in township two south of range four east of Salt Lake meridian, Corporation
shall be, and the same is, hereby organized and incorporated formed; seal.
into a city by the name of Park city.

§ 1612. s 2. The inhabitants of said city are hereby Powers of
constituted a body politic and corporate under the name and corporation.
style aforesaid, and by that name it shall be known in law,
and shall be capable of suing and being sued in all courts of
law or equity; it may have and use a common seal, and alter
it at pleasure; and shall be capable of leasing, purchasing,
holding and disposing of, real and personal property, for the
use of the corporation, and to improve and protect said prop-
erty; and to do all things necessary or proper to be done in
relation thereto, as natural persons.

§ 1613. s 3. The said city shall be divided into three City divided
wards, as follows, using the amended plat of Park city as a into wards.

guide, said plat being of record in the recorder's office of said county of Summit, namely: All that portion of said city lying northerly of a line commencing at a point on the west boundary line of said section sixteen due west of the westerly terminus of Second street, thence easterly along the centre of Second street to the centre of Main street, thence northerly along the centre of Main street to the centre of Heber avenue, thence easterly along the centre of Heber avenue to the east boundary line of section sixteen, thence east to the east boundary of said city, shall be known as, and called the First ward. All that portion of said city lying south of the First ward and northerly of a line commencing at a point on the west boundary line of said section sixteen, three hundred and fifty feet north of the southwest corner of said section and running thence easterly to the centre of the westerly terminus of Sixth street, thence easterly along the centre of said street to the east boundary line of said section sixteen, thence due east to the east boundary of said city, shall be known as, and called the Second ward. All that portion of said city lying south of the Second ward of said city shall be known as, and called the Third ward. And each ward shall be a voting precinct.

Council to
be composed
of mayor and
six aldermen.

§ 1614. s 4. The municipal government of said city shall be vested in a common council, to be composed of a mayor and six aldermen, a majority of whom shall constitute a quorum for the transaction of business.

Elections,
when held and
what officers
elected.

§ 1615. s 5. An election shall be held on the first Monday in May, 1884, and annually thereafter. At the first election there shall be elected a mayor who shall be an elector and freeholder within said city, and who shall hold his office for one year, and until his successor is elected and qualified. Also two aldermen from each ward who shall be electors and freeholders in the ward from which they are elected. Also one justice of the peace, who shall be known as police justice, who shall possess the qualifications of an elector in said city, whose term of office shall be one year, and until his successor shall be elected and shall have duly qualified. One of said aldermen, from each ward, shall hold his office for two years and until his successor shall be elected and qualified, and one of said aldermen, from each ward, shall hold office for one year and until his successor shall be elected and qualified. And at each annual election thereafter

there shall be elected one alderman from each ward, whose term of office shall be two years, and until his successor shall be elected and shall have duly qualified. There shall also be elected at said election and annually thereafter, one treasurer who shall also be an elector and freeholder in said city, and whose term of office shall be one year and until his successor shall have been duly elected and qualified.

§ 1616. s 6. The first and all subsequent elections shall be held and conducted in each ward in the same manner as now provided by law for precinct elections; and every legally qualified voter residing within the limits of said city shall be entitled to vote at the polls within the ward where he resides.

Elections, how conducted.

Qualifications of electors.

§ 1617. s 7. The common council shall hold stated meetings, at such times as they may by ordinance provide.

Stated meetings of council.

§ 1618. s 8. The mayor shall preside at all meetings of the common council, when present, and shall have a casting vote. The common council at its first meeting after the newly elected aldermen or a majority of them shall have qualified, shall elect from its members a president, who shall possess the same powers, and perform the same duties as the mayor during the absence or inability of the mayor or during a vacancy in that office.

Mayor to preside and have casting vote.

Council to elect a president from its members.

§ 1619. s 9. The mayor shall be the chief executive officer of said city. He shall sign and approve all ordinances or by-laws passed by a majority of the council. It shall be his duty to see that all officers of said city shall faithfully perform and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed; and he shall in his discretion report to the common council any violations thereof; he shall, from time to time, give to the council such information and recommend such measures as he shall deem necessary and expedient.

Mayors duties.

§ 1620. s 10. The common council shall appoint a recorder, an assessor and a marshal, and may appoint a city attorney, a street commissioner, and such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, prescribe the duties and qualifications of such officers, and remove the same at pleasure. And in case of the absence, inability, or other disqualification of the police

Council to appoint certain officers.

In case of absence, etc., of justice, mayor to designate.

justice of said city, the mayor is hereby authorized and empowered to designate and appoint one of the justices of the peace of the precinct of which said city is a part, to act as police justice during such absence, inability or other disqualification of said police justice. And in case of vacancy in any office made elective by this act, the common council shall fill such vacancy by appointment, until the next annual election, and until the person elected to fill such vacancy shall have duly qualified.

Vacancies how filled.

Council has power to levy taxes.

§ 1621. s 11. The common council shall have power to annually assess, levy and collect taxes on all real and personal property in said city, taxable by the laws of this Territory, which taxes, when so levied, shall be and remain a lien upon the property so assessed until the same shall be paid; *Provided*, The said council shall not levy a tax for city purposes, in any one year, to exceed one cent on the dollar of the assessed valuation.

Council to prescribe form of assessment roll.

§ 1622. s 12. The common council shall have power, by ordinance and enforcement thereof, to prescribe and regulate the form of assessment rolls, and the duties and powers of assessors, not inconsistent with the laws of this Territory.

Council to determine the amount of tax.

§ 1623. s 13. The common council shall, on or before the first Monday in June, of each year, determine the amount of money necessary to be raised by tax for the current year, and shall at once notify the assessor of said amount.

Assessor to make assessment, when to be returned

§ 1624. s 14. The assessor shall, immediately on receipt of the notice prescribed in section thirteen, proceed to make said assessment; and shall return the assessment rolls on or before the first Monday in July of each year, but the time may be extended, by order of the council, not exceeding thirty days.

Council to fix a day for hearing objections.

On return thereof the common council shall fix a day, of which at least ten days' public notice shall be given, for hearing objections thereto, and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections, which shall be heard and determined by the common council; and the council shall have power to alter, add to, take from, and otherwise correct and revise said assessment roll; *Provided*, That if the common council shall find it necessary to add to the assessed valuation of any property on the assessment roll, or list other property liable to taxation, not upon said roll, it shall direct the recorder to send to the person interested a written notice

naming therein the time and place when it will act on said case, and allowing a reasonable time for such party to appear.

§ 1625. s 15. The treasurer shall be furnished, within ten days after the assessment roll is corrected, with a list of the taxes to be collected; and if said taxes are not paid on or before the first day of October next after they are assessed, the treasurer shall have power, and it is hereby made his duty to collect said taxes with interest and cost, by suit in the corporate name, or by distress, seizure and sale of any property belonging to any person so indebted.

Treasurer to be furnished list of taxes and must collect how.

§ 1626. s 16. The assessor's roll shall in all cases be evidence on the part of the corporation.

Assessor's roll to be evidence.

§ 1627. s 17. The common council shall have authority to make all by-laws and ordinances relative to the powers, duties and compensation of the officers of said corporation, subject to the restrictions as to compensation mentioned in this act. To make all such general regulations for the prevention and extinguishment of fires, fixing of chimneys, flues and stove-pipes, as they may deem proper; to procure fire engines, and other apparatus; to organize fire, hose and hook and ladder companies, appoint foremen therefor and prescribe their duties and make rules and regulations for their government. And shall have power to prohibit and prevent the construction of any wooden or frame houses, store, shop, or other building on such streets, alleys and places, and within such limits in said city as they may from time to time prescribe; to prohibit and prevent the removing of wooden or frame buildings from any part of said city to any lot on such street, alley and places within said limits.

Powers of council.

§ 1628. s 18. To exclusively control, regulate, repair and clear streets, alleys, bridges, sidewalks, and cross walks, and open, widen, straighten, or vacate streets and alleys, and put drains and ditches therein; and prevent the encumbering or obstructing of the streets, lanes, alleys, sidewalks or public grounds with lumber, timber, posts, awnings, signs, or any other thing, material or substance whatever.

§ 1629. s 19. To cause the expense of grading or paving of streets and sidewalks, of making drains and sewers, and all other local improvements to be assessed against the owners of the premises the value of which is increased by such improvement and in proportion to which such premises

are improved thereby, or cause the expense thereof to be paid out of the city treasury, as they may deem just and proper.

§ 1630. s 20. The council shall have exclusive authority to establish and regulate the police of the city, and to make all such by-laws and ordinances for the preservation of the public peace; for the suppression of routs and riots; for the apprehension and punishment of vagrants, drunkards and disorderly persons; and to suppress disorderly houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prohibit every species of gaming, and to punish all persons indulging in any species of gaming or gambling; to define and declare what are nuisances and provide for the prevention and abatement of the same; to regulate the keeping or storing of gun or blasting powder or other high explosives; to prohibit the violation of Sunday; the discharge of any species of firearms; and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose; to provide against and punish fast or immoderate riding or driving; to license, tax and regulate the manufacturing, selling, or giving away of any vinous, spiritous or fermented liquors; to license, tax, and regulate billiard and pool tables, nine or ten pin alleys; to regulate and license all exhibitions of common showmen, shows of every kind, concerts, circuses, theatrical performances, and all other exhibitions and amusements; to license and regulate peddlers, auctioneers and traveling salesmen; to restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, and poultry, and to authorize the distraining or impounding and sale of the same, and to regulate and control the distribution of the proceeds of such sale; to tax, prevent or regulate the keeping of dogs and to authorize the destruction of the same when at large contrary to ordinance; to license, tax, and regulate merchants, butchers, traders and dealers in merchandise and property of every description; to license and regulate banks, hotels, restaurants, livery stables, barber shops, bath houses, and laundries. To make all needful rules to prevent the spreading of all contagious or infectious diseases; and all needful rules to regulate the health and cleanliness of said city. To establish and maintain a system of water works for fire, domestic, and other purposes, together with necessary reservoirs, pipes and

hydrants. To erect street lamps and regulate the lighting thereof. To regulate all public graveyards and the burial of the dead in said city. And to make all other by-laws, ordinances and regulations, for the purpose of carrying into effect the powers conferred by this act, which they deem necessary for the safety and good government of said city, and to preserve the health and protect the property of the inhabitants thereof, and to repeal, alter, or amend the same at pleasure. And to this end the common council may impose fines and penalties for any violation of the by-laws or ordinances which may be made by them as aforesaid and may provide that any offender refusing to pay such fine or penalty be compelled to labor on the streets or public works of said city; *Provided*, That no by-law or ordinance shall impose a fine exceeding two hundred dollars, nor subject the offender to imprisonment in the city jail exceeding ninety days, or both; *And provided further*, That no by-law or ordinance imposing a penalty or punishment shall be of any effect until the same shall have been published for two weeks successively in a newspaper published in said city or by posting up certified copies of said by-laws or ordinances in two public places in each ward of said city.

Ordinances to
be published.

§ 1631. s 21. All ordinances or by-laws of the city may be proven by the seal of the corporation; and when published in book or pamphlet form purporting to be printed or published by the authority of the city, the same shall be received in evidence in all courts or places without further proof.

Ordinances
how proven.

§ 1632. s 22. The salary of the mayor and aldermen of said city shall not exceed the sum of one dollar each per annum.

Salary of
mayor and
aldermen.

§ 1633. s 23. The recorder shall be the clerk of the common council and keep the corporate seal and the books and papers of the corporation entrusted to him by the council; he shall attend all meetings of the council and record all their proceedings. He shall attest all ordinances or by-laws of the corporation and affix the seal of the corporation thereto. He shall sign all warrants drawn on the treasurer; he shall also perform other duties which may be required of him by ordinance of said city or the order of said council.

Recorder's
duties.

§ 1634. s 24. The police justice of said city shall have exclusive original jurisdiction of all cases arising under or by reason of the violation of any ordinance or by-law of said

Police justice,
jurisdiction of

- city, and shall have the same jurisdiction within the limits of the city as other justices of the peace in cases arising under the laws of the Territory. The practice in said police justice's court shall be the same, and governed by the same rules, as provided by law for justices' courts. From all final judgments of said police justice's court, whether civil or for violation of any ordinance of said city, an appeal shall be allowed by either party, against whom the judgment is rendered, to the district or other appellate court provided by law, in the same manner and upon the same terms as provided by law for appeals from justices' courts in similar cases.
- Practice in justice's court. § 1635. s 25. All process issued by said police justice's court in all cases arising under the ordinances of said city, shall be directed to the marshal or any of his deputies.
- Appeals. § 1636. s 26. The police justice shall account for and pay over all moneys coming into his hands belonging to said city, whether from fines, penalties, forfeitures, recoveries on execution or otherwise, into the city treasury as often as the council may direct.
- Process how directed. § 1637. s 27. He shall keep a docket in which shall be entered all cases commenced before him, and all his proceedings thereunder in such manner as may be required by the council, which docket at the expiration of his term of office, with all papers in his possession pertaining to said office, he shall turn over to his successor.
- Police justice to pay over moneys. § 1638. s 28. The treasurer shall by virtue of his office be collector of taxes, and shall receive and safely keep, and pursuant to the warrant of the recorder, disburse all the moneys of the corporation. He shall keep proper books of account which shall be open to inspection by any elector of the city at all reasonable hours. He shall furnish to the common council as often as required a full, fair and correct account of all receipts and disbursements and also the state of the treasury. He shall perform such other duties as shall be required of him by ordinance or by-laws of said city or by order of the common council.
- Police justice shall keep a docket. § 1639. s 29. The marshal shall be chief of police; it shall be his duty to serve all process that may lawfully be directed and delivered to him for service; to see that all by-laws and ordinances of the common council are promptly and effectually enforced; he shall obey all lawful commands of the mayor, and may command the aid and assistance of all
- Treasurer's duties.
- Marshal's duties.

other citizens of said city in the discharge of his duties; he may appoint such number of deputies as the common council may direct and approve, who shall perform the same duties as the marshal, and for whose official acts he shall be responsible.

§ 1640. s 30. The marshal and deputies shall have power to serve and execute all process in behalf of the city as sheriffs and constables have by law to execute similar processes.

Marshal's powers.

§ 1641. s 31. The mayor and aldermen before entering upon the duties of their respective offices shall take and subscribe an oath that they will support the Constitution of the United States, and the laws of this Territory, and that they will faithfully perform the duties of the office to which they have been elected, to the best of their skill and abilities, which oath shall be filed with the secretary of the Territory, and they shall be commissioned by the Governor.

Mayor and aldermen how to qualify.

§ 1642. s 32. The treasurer, recorder, assessor, police justice and marshal of said city, before entering upon the duties of their respective offices shall enter into an undertaking with said city and whomsoever it may concern, in such sum, not less than five hundred dollars, as the common council may require, conditioned for the faithful performance of the duties of their respective offices; they shall also take and subscribe an oath to support the Constitution of the United States and the laws of this Territory, and that they will faithfully perform the duties of their respective offices to the best of their skill and abilities; said undertaking shall be approved by the common council and together with said oath of office filed in the office of the recorder of said city; *Provided*, That the undertaking and oath of the recorder be filed with the mayor. The police justice shall be commissioned by the Governor upon presentation of the certificate of his election or appointment, and his qualification as hereinbefore required.

Treasurer, recorder, assessor, police justice and marshal shall qualify how.

§ 1643. s 33. All claims against the city shall be audited by the council and, when allowed, paid by a warrant on the treasurer signed by the recorder and countersigned by the mayor.

Claims how audited.

§ 1644. s 34. Nothing in this act shall be so construed as to impair the jurisdiction of the justices of the peace and constables in the precincts of which said city is a part, in such matters as may come under their jurisdiction under the

Justice and constable of the precinct; jurisdiction not impaired.

laws of this Territory. Nor to deprive the citizens of said city, properly qualified to vote, from voting at all precinct elections.

Fees of justice
and marshal.

§ 1645. s 35. The police justice and marshal of said city shall receive, and they are hereby authorized to tax, the same fees which are allowed by law to justices of the peace and constables in similar cases, which fees when collected shall be paid into the city treasury; and said police justice and said marshal and his deputies shall receive no other compensation, for services rendered for, or in behalf of said city, than the salary fixed and allowed them by the common council.

Alderman re-
moving va-
cates office.

§ 1646. s 36. If any alderman shall during his term of office remove from the ward from which he shall have been elected, his office shall at once become vacant.

Repealing
clause.

§ 1647. s 37. That an act entitled "An Act Incorporating Park City," approved March 9, 1882, be and the same is hereby repealed.

Act takes
effect when.

§ 1648. s 38. This act shall be in force from and after the fifteenth day of March, A. D. 1884.

MORGAN.

SECTION.

- 1649 Boundaries;
corporation formed; seal.
- 1650 Corporation; powers of.
- 1651 Council to consist of mayor and
six councilors; two justices of
the peace to be elected.
- 1652 Mayor and councilors to qualify.
- 1653 Elections.
- 1654 Persons elected to qualify; sub-
sequent elections.

SECTION.

- 1655-1658 Powers of council.
- 1659 Ordinances to be posted.
- 1660 Ordinances, how proven.
- 1661 Justices of the peace, powers,
duties and jurisdiction of.
- 1662 Mayor, powers and duties of.
- 1663-1665 Powers of council.
- 1666 Act, when to take effect.
- 1667-1675 Powers of council.
- 1676 Council meetings.

February 13,
1868.

§ 1649. s 1. All that district of country embraced in the following boundaries in Morgan county, to-wit: Com-
mencing at the bridge on the county road crossing East Canyon

creek, thence down said creek one mile, thence northeast two miles and a half, thence skirting the base of the mountains in a southeasterly direction to where Weber river enters Weber valley, thence skirting the base of the mountains on the south side of said Weber river two and a half miles, more or less, to the northeast corner of Bradt survey, thence west three-fourths of a mile to Canyon creek, thence down said Canyon creek one-half mile, more or less to the place of beginning, shall be known and designated under the name and style of Morgan city, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Boundaries.
Corporation
formed; seal.

§ 1650. s 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city for burying grounds or other public purposes for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers of
corporation.

§ 1651. s 3. There shall be a city council, to consist of a mayor and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance; there shall also be elected in like manner two justices of the peace, who shall have the qualifications of voters, be commissioned by the Governor and have jurisdiction in all cases arising under the ordinances of the city.

Council to consist of mayor and five councilors.

Two justices of the peace to be elected.

§ 1652. s 4. The mayor, and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Terri-

Mayor and councilors to qualify.

tory, and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

Elections.

§ 1653. s 5. One mayor and five councilors shall be elected biennially, and the first election under this act shall be at such time in said city as the probate judge of Morgan county shall direct: *Provided*, Said election shall be on or before the first Monday in August next. Said election shall be held and conducted as now is provided by law for the holding of elections for county and Territorial officers; and, at the said first election, all electors within said city limits shall be entitled to vote.

Persons
elected to be
notified.

§ 1654. s 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the city council.

Subsequent
elections.

Powers of
council.

§ 1655. s 7. The city council shall have authority to levy and collect taxes, for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, to be provided by ordinance not repugnant to the Constitution of the United States or the laws of this Territory.

§ 1656. s 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers, by ordinance as may be necessary, define the duties of all city officers and remove them from office at pleasure.

§ 1657. s 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of their respective duties; and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

§ 1658. s 10. The city council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of property therein from destruction by fire or otherwise, and for the health and happiness of the inhabitants thereof; and shall have control of the water and water courses leading to the city: *Provided*, That such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon; and shall have control of the water courses and mill privileges within said city; but in no case shall they interfere with the natural rights of others heretofore acquired in relation to water. They shall have power to fill all vacancies that may happen by death, resignation, removal, or otherwise of any of the officers herein made elective; to fix and establish the fees of the officers of said corporation. The city council shall have power to divide the city into wards and specify the boundaries thereof.

§ 1659. s 11. All ordinances passed by the city council shall, within ten days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city. They shall not be in force until thus published or posted up. Ordinances to be posted.

§ 1660. s 12. All ordinances of the city may be proven by the seal of the corporation affixed thereto, and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Ordinances, how proven

§ 1661. s 13. The justices of the peace of said city shall have all the powers of other justices of the peace, both in civil and criminal cases arising under the laws of the Territory. They shall perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace. They shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into execution. Appeals may be had from any decision or judgment of said justices, arising under the Justices of the peace, power, duties and jurisdiction of.

ordinances of said city or the laws of the Territory, in the same manner as appeals are or may be taken from other justices of the peace.

Mayor, powers
and duties of.

§ 1662. s 14. The mayor shall be chief executive officer of said corporation; he shall preside in the city council, and shall have power to veto any ordinance when not passed by four-fifths majority; and it shall be his duty to sign all city ordinances.

Powers of
council.

§ 1663. s 15. The city council shall have power to restrain, regulate, or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry; and to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

§ 1664. § 16. To license, regulate, prohibit or restrain the manufacturing, selling or giving away of spirituous, vinous or fermented liquors, [to license and regulate] tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

§ 1665. s 17. The city council shall have exclusive power by ordinance to regulate the police of the city; to license, tax and regulate auctioneers, merchants, and retailers; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to prohibit and suppress gaming, bawdy and other disorderly houses.

Act, when to
take effect.

§ 1666. s 18. This act shall be in force on and after the first day of April, 1868, and may be amended or repealed at the pleasure of the Legislative Assembly.

March 11, 1886.
Powers of
council.

§ 1667. s 1. The city council shall have power to provide for the erection of all needful buildings for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city.

§ 1668. s 2. To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundary of said city; to open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues and lanes, and prevent the encumbering of the streets, sidewalks, and public grounds.

§ 1669. s 3. To appropriate and provide for the payment of the expenses and manage and control the finances of the city.

§ 1670. s 4. To make regulations to prevent the introduction and spread of contagious diseases into the city; to make quarantine regulations for that purpose and enforce the same.

§ 1671. s 5. To define and declare what are nuisances; to authorize the abatement thereof, and punish the authors by fine and imprisonment.

§ 1672. s 6. To prevent and punish fast and immoderate riding and driving; to prevent the discharge of any species of fire arms, and prevent the violation of Sunday, and to prevent any riot, noise, disturbance, or disorderly assemblages, restrain and punish vagrants, mendicants, beggars and prostitutes.

§ 1673. s 7. To license, tax and regulate the business of keeping or furnishing for use billiard and pool tables, nine or ten pin alleys; to license peddlers and butchers.

§ 1674. s 8. To authorize the impounding and sale of cattle, horses, mules, swine, sheep and goats, when found doing damage or running at large contrary to city ordinance, and to regulate and control the distribution of the proceeds of such sales: *Provided*, That the proceeds of such sale be paid into the county treasury for the benefit of district schools, less the amount of cost and expenses incurred in distraining, impounding and selling the same, as provided in section 408, Compiled Laws of Utah.

§ 1675. s 9. To provide for the punishment of offenders and vagrants by fine and imprisonment in the county and city jail.

§ 1676. s 10. The city council may hold regular sessions at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor, or any two councilors.

Council meetings.
March 11, 1886

RICHFIELD.

SECTION.

- 1677 Boundaries;
corporation formed.
1678 Powers of corporation.
1679 Council to consist of mayor and
seven councilors; justice of
the peace to be elected; powers
and duties of.
1680 Mayor and councilors to take
oath.
1681 Justice shall give bond.

SECTION.

- 1682 Elections, when held.
1683 Council sessions; mayor to pre-
side.
1684 Council has power to appoint
officers.
1685 Council has power to levy tax.
1686-1692 Powers of council.
1693 Ordinances to be published.
1694-1697 Powers of council.
1698 Ordinances, how proven.

Feb. 22, 1898.
Boundaries.

§ 1677. s 1. All that district of country, in Sevier county, embraced in the following boundaries, to-wit: Commencing at the northeast corner of section twenty-five, in township twenty-three, south of range three west, thence west two miles, thence south two miles, thence east two miles, thence north two miles to the place of beginning, shall be known by the name and style of the city of Richfield, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style aforesaid, and shall have succession, with power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and may have and use a common seal and alter the same at pleasure.

Inhabitants
made body
corporate.

Powers of cor-
poration.

§ 1678. s 2. The inhabitants of said city shall have power in their corporate capacity to receive, hold, sell, lease, convey and dispose of property, both personal and real, for the benefit of said city.

Council to con-
sist of mayor
and seven
councilors.

§ 1679. s 3. There shall be a city council to consist of a mayor and seven councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

There shall also be elected in like manner, one justice of the peace, who shall have the qualification of a voter, be commissioned by the Governor, and have jurisdiction in all cases arising under the ordinances of the city, and shall have the same authority and power of other justices of the peace, both in civil and criminal cases, arising under the laws of the Territory; he shall perform the same duties, be governed by the same laws, give the like bond and security as other justices of the peace, and he shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be lawful and necessary to carry such ordinances into execution. Appeals may be had from any judgment of said justice, arising under the ordinances of said city, or the laws of the Territory, in the same manner as appeals are or may be taken from other justices' courts.

Justice of the peace to be elected.

Powers and duties of.

§ 1680. s 4. The mayor and councilors, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States and the laws of the Territory of Utah, and that they will well and truly perform the duties of their offices.

Mayor and councilors to take oath.

§ 1681. s 5. The justice of the peace shall be required to give a bond with security, to the acceptance of the probate judge of Sevier county, for the faithful performance of his duties. Said bond shall be filed with the clerk of the county court.

Justice shall give bond.

§ 1682. s 6. That a mayor, a justice of the peace and seven councilors, shall be elected on the first Monday in August, A. D. 1878, and every two years thereafter. Said election shall be held, conducted, and returns thereof made as is now provided by law, for holding elections for Territorial and county officers. The clerk of the county court shall, within ten days, furnish each person elected a certificate of election; and each person elected shall qualify within twenty days thereafter. All subsequent elections shall be held, conducted, and the returns made, as may be provided by ordinance.

Elections, when held.

Clerks of county courts shall furnish certificates of election,

§ 1683. s 7. That the city council is hereby authorized to hold regular or special sessions for the transaction of business, a majority of whom shall form a quorum to do business, and the mayor shall preside when present; otherwise, any councilor may be appointed to preside *pro tem*.

City council sessions; mayor to preside.

Council has
power to ap-
point officers.

§ 1684. s 8. The city council shall have power to appoint a recorder, [treasurer, assessor and collector, marshal, supervisor of streets, poundkeeper, and such other officers as may be deemed necessary, define their duties and qualifications; *Provided*, No member of the council shall be eligible to fill such office.

Council has
power to levy
taxes.

§ 1685. s 9. After the first Monday in August, A. D. 1880, the city council shall have power to levy and collect a tax, not exceeding one-half of one per cent. per annum, on all the taxable property in said city. Said tax shall, when levied, constitute a lien on all said property, which may be collected in such manner as may be provided by the ordinance of said city.

Council,
powers of.

§ 1686. s 10. The city council shall have control of all the public property of said city, and have power to regulate and control the water of said city; *Provided*, That it does not infringe upon any previously acquired right to water, by actual settlers therein; to open and keep in good repair the streets of said city, to set out and protect shade trees thereon, and on any public grounds belonging to the city, and to improve the same. To make regulations to prevent the introduction of contagious diseases into the city, and for five miles next beyond its boundaries.

§ 1687. s 11. To establish hospitals, to declare what shall be nuisances and remove the same, to control the streets and sidewalks, and to protect the same from encroachment and injury; to provide for the erection of needed public buildings for the use of the city.

Amended
March 11, 1886.

§ 1688. s 12. To license, tax, restrain or prohibit the manufacturing, vending or giving away of spirituous, vinous, or fermented liquors; to license, tax, and regulate the business of tavern keepers, merchants, grocers, auctioneers, peddlers, bankers, brokers, pawnbrokers, hotel keepers, livery stable keepers, butchers, and restaurateurs.

§ 1689. s 13. To appoint watchmen and policemen, and prescribe their duties, powers and qualifications. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all and every kind of poultry, and to tax and regulate the keeping of dogs, and authorize the destruction of the same when at large. To impound stock, collect fines and damages thereon.

§ 1690. s 14. To repress or prohibit all disorderly houses, and to prevent routs and riots and disturbances or disorderly assemblies.

§ 1691. s 15. To restrain and punish vagrants, prostitutes and libertines. To license, tax, regulate or suppress, or prohibit all exhibitions of showmen, concerts, theatricals, circuses, or other traveling shows, public dances or amusements.

§ 1692. s 16. To regulate the registration of births and deaths, and arrange, control and protect the places of the burial of the dead.

§ 1693. s 17. All ordinances passed by the city council shall, within thirty days after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three public places in the city.

All ordinances to be published or posted.

§ 1694. s 18. The city council shall have power and authority to make, ordain, establish and exercise all such ordinances not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city; for the protection of life and property therein, from destruction by fire, or otherwise, and for the health and happiness thereof.

March 11, 1886. Powers of council.

§ 1695. s 19. The city council shall have power to fill all vacancies that may happen by death, resignation or removal of any city officer, and to provide, fix the compensation of all city officers.

§ 1696. s 20. To have exclusive power within the city, by ordinance, to license, tax, regulate, or restrain the use of billiard or pool tables, and to punish the owners and keepers thereof, and to suppress and prohibit every description of gaming or gambling.

§ 1697. s 21. To prevent horse racing, immoderate riding or driving in the streets, and to punish the same. To punish or prohibit the abuse of animals.

§ 1698. s 22. All ordinances of the city may be proven by the seal of the corporation affixed thereto, and the same shall be received in evidence in all courts or places without further proof.

Ordinances, how proven. March 11, 1886.

KANAB, TOQUERVILLE AND ROCKVILLE TOWNS.

SECTION.

- 1699 Boundaries of each town.
 1700 Board of trustees in each town to consist of president and four trustees; president to preside at meetings; vacancies, how filled.
 1701 President and trustees to qualify.
 1702 Elections.
 1703 Persons elected to qualify; subsequent elections.

SECTION.

- 1704 Powers of board of trustees.
 1705 Board of trustees may ordain and provide fines to be prosecuted before precinct justice.
 1706 Clerk of board of trustees, powers and duties of.
 1707 Marshal, powers and duties of.
 1708 Act, when to take effect.

March 9, 1882.
 Boundaries of
 Kanab.

§ 1699. s 1. All that portion of country situated within the following boundaries, to-wit: Northeast one-fourth and northwest one-fourth, and north half of southwest one-fourth, and north half of southeast one-fourth, all in section twenty-eight, south half southwest one-fourth, and south half of southeast one-fourth, section twenty-one, township forty-three south, range six west, shall be known and designated by the name of the town of Kanab. All that portion of

Boundaries of
 Toquerville.

country situate within the following boundaries, to-wit: Lot one south half, northwest one-fourth, east half southwest one-fourth, northwest one-fourth, southwest one-fourth, all in section two, township forty-one south, range thirteen west, shall be known and designated as the town of Toquerville.

Boundaries of
 Rockville.

And all that portion of country situated within the following boundaries, to-wit: South one-half of section one, township forty-two south, range eleven west, shall be known and designated by the name of the town of Rockville, and the inhabitants of each of the aforesaid towns are hereby constituted a body politic by the names aforesaid, and each may have and use a common seal, which they may change and alter at pleasure.

Board of trustees in each town to consist of president and four trustees.

§ 1700. s 2. There shall be a board of trustees in each of said towns, to consist of a president and four trustees, who shall have the qualifications of electors of said towns, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The board of trustees shall judge of

the qualifications, elections and return of their own members; and a majority of them shall form a quorum to do business at all special or general meetings, due notice of which has been given, and the president shall preside at all meetings when present, and have the casting vote. When the president is absent, one of the trustees may be appointed by the board to act in his place during his absence; and any vacancy in any of the offices of such corporation, occasioned by death, resignation, removal or otherwise, may be filled for the unexpired term of such office by a majority vote of the whole board.

President to
preside at
meetings.

Vacancies how
filled.

§ 1701. s 3. The president and trustees in each of the aforesaid towns, before entering upon the duties of their offices, shall be commissioned by the Governor, and shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and laws of this Territory, and that they will well and truly perform all duties of their offices to the best of their skill and ability, which oath shall be filed with the secretary of the Territory.

President and
trustees to
qualify.

§ 1702. s 4. One president and four trustees shall be elected biennially in each of the aforesaid towns, and the first election under this act shall be at such time in such towns as the probate judge of Kane county shall direct; *Provided*, Said election shall be on or before the first Monday of August next. Said election shall be held and conducted as now provided by law for holding of elections for county and Territorial officers, and at the first election all voters legally qualified shall be entitled to vote.

Elections.

§ 1703. s 5. The clerks of election, in each of the aforesaid towns, shall leave with each person elected, or at the usual place of residence, within five days after election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the clerk, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof be made as may be provided for by ordinance of the board of trustees.

Persons elect-
ed to qualify.

Subsequent
elections.

§ 1704. s 6. The board of trustees, in each of the aforesaid towns, shall have the following powers, to-wit:

Powers of
board of
trustees.

1. To purchase, hold or convey all necessary estate, real or personal, for the use and benefit of the corporation.

2. To prevent, abate and remove nuisances, and adopt such other measures for the public health as they may deem proper.

3. To purchase, hold, own, and lay out graveyards or cemeteries, and regulate the burial of the dead.

4. To restrain from running at large horses, mules, cattle, sheep, goats, swine and all kinds of poultry, in such towns, under such penalties and regulations as may be prescribed by the ordinances of such towns.

5. To provide for the protection of shade trees, monuments, and other public property in such towns.

6. To license, tax and regulate the manufacturing, vending or giving away of spirituous, vinous or fermented liquors; and to license and regulate hotel or tavern keepers, eating houses and restaurants, merchants, grocers and peddlers.

7. To license all exhibitions of showmen, concerts, theatricals, circuses or other traveling shows, public dances or amusements, or to suppress any of the foregoing which are indecent.

8. To restrain and punish vagrants, prostitutes and libertines.

9. To appoint policemen and watchmen, and prescribe their duties, powers and qualifications.

10. To prohibit and suppress disorderly, lewd or gambling houses, and all devices for gambling and to suppress any drunkenness, rout, riot, noise, disturbance or disorderly assemblage.

11. To levy and collect an annual tax for general corporation purposes on all such property as shall be subject to county and Territorial taxes, and such tax shall when so levied constitute a lien on all such property, and shall be collected as county and Territorial taxes are collected, so far as consistent with this act; *Provided*, All taxes for such purpose, in any one year, shall not exceed one fourth of one per cent. on the assessed valuation of the property so assessed, unless two-thirds of the electors voting at a special meeting called for that purpose shall vote a larger per cent. to be levied; but in no case shall said tax exceed, nor electors be allowed to levy more than one-half of one per cent. of the assessed valuation aforesaid in one year.

12. To lay out, construct, open, grade, pave and otherwise improve streets, lanes, alleys, sidewalks or cross walks,

and to prohibit the encumbering of sidewalks with any materials whatever, and riding or driving thereon, except to cross the same.

13. To lay out, construct, open and keep in repair, canals, water ditches or water pipes for irrigation, domestic or other use of the inhabitants of such towns.

14. To direct in the prosecution and defence of actions at law in which such towns may be a party, and may sue and be sued in their corporate names.

15. To fix and establish the compensation of the offices made elective or appointed by the board.

16. To prevent horse racing and inconsiderate riding or driving in the streets of such towns.

17. To prevent the running at large of dogs, by imposing a tax on the same or otherwise, or to authorize their destruction, in a summary manner, when running at large contrary to ordinance of such towns.

18. To make, ordain, pass, establish and enforce such ordinances and regulations, not repugnant to the Constitution of the United States or the laws of this Territory, for the purpose of carrying into effect the provisions of this act, as they may deem proper; and to repeal, alter or amend the same at pleasure; but no such ordinances or regulations shall take effect or be enforced until the same shall have been published ten days in some public newspaper, printed in such towns or posted in not less than three public places therein.

19. To appoint a clerk, a marshal and such other officers as may be necessary for the good order and well being of such towns; define their duties, remove them from office at pleasure, and require them to take and subscribe an oath; and give such bonds as shall be provided by ordinance, which oath and bond shall be filed with the board of trustees.

§ 1705. s 7. The board of trustees in each of the aforesaid towns may ordain and provide such reasonable fines, forfeitures and penalties as they shall deem proper, in any sum less than that prescribed for like crimes in the laws of the Territory, to be prosecuted before any justice of the peace in the county in the name of the corporation, and all expenses incurred in the unsuccessful prosecution for the recovery of any fine or penalty or forfeiture, shall be paid by the corporation, and all fines, forfeitures and penalties, when collected, shall be paid to the corporation, as may be pro-

Trustees may ordain and provide fines to be prescribed before precinct justices.

vided by ordinance; *Provided*, The justice's court shall be held always within the corporate limits; when any other than a justice residing in said town is called to try any case, he shall be required to hold court in said town.

Clerk of board
of trustees,
powers and
duties of.

§ 1706. s 8. The clerk of the board of trustees in each of the aforesaid towns shall have the custody of, and safely keep the corporate seal, records, books and papers thereof entrusted to him by the board, and attend all meetings of the trustees and record all their proceedings, and he shall audit all accounts allowed by such board of trustees, and perform such other duties as may be required of him.

Marshal;
powers and
duties of.

§ 1707. s 9. The marshal in each of the aforesaid towns shall possess the same powers, be subject to like liabilities, and exercise the same privileges as are possessed and conferred by law upon constables, to execute such legal orders as may be required of him, and to assess and collect all taxes levied by the trustees in such town, in the same manner as county and Territorial taxes are collected, so far as consistent with the provisions of this act, and perform such other lawful duties as may be required by the board of trustees.

Act when to
take effect.

§ 1708. s 10. This act shall be in force on and after the first day of April, A. D. 1882, and may be amended or repealed at the pleasure of the Legislative Assembly.

CHAPTER XI.

AN ACT PROVIDING FOR THE INCORPORATION OF CITIES.

ARTICLE I.

SECTION.

- 1709 Inhabitants may petition to be organized into a city.
- 1710 Court must designate the class of the proposed city and fix time of election; must give notice of election; how. Form of ballot.
- 1711 If vote be in favor of incorporation, clerk to publish the result; secretary of the Territory to make publication of the incorporation of the city.
- 1712 Who to vote at such election.
- 1713 When incorporation deemed complete.
- 1714 How incorporated cities now existing may incorporate under this act.
- 1715 Notice of election for that purpose, how given.
- 1716 Form of ballot to be used at such election; such city or town shall be deemed organized under this act if majority vote therefor.
- 1717 Certified copies of returns of such election to be filed, how and where; secretary to keep a registry of cities incorporated.
- 1718 Courts to take notice of change in the organization of city or town; laws not inconsistent with this act to continue in force.
- 1719 Powers of cities incorporated under this act.

SECTION.

- 1720 Property held by a municipal corporation to vest in the corporation organized under this act.
- 1721 Ordinances and resolutions in force at the time of such organization which do not conflict with this act, to continue in force.
- 1722 Municipal corporations divided into three classes; authorities to appoint census commissioners; Governor to proclaim class of city.
- 1723-1724 Cities increasing sufficiently in population to entitle them, shall be advanced to the next class.
- 1725 Cities of the first and second classes to be divided into five wards.
- 1726 The city council of cities of the first class to be composed of a mayor and fifteen councilors.
- 1727 How elected; term of office.
- 1728 The city council of cities of the second class to be composed of a mayor and ten councilors; how elected; term of office.
- 1729 The city council of cities of the third class to be composed of a mayor and seven councilors; how elected; term of office.

Inhabitants
may petition
to be organ-
ized into a city.

§ 1709. s 1. When the inhabitants of any part of any county, not embraced within the limits of any city shall desire to be organized into a city, they may apply, by petition in writing, signed by not less than one hundred of the qualified electors of the territory to be embraced in the proposed city, to the county court of the proper county, which petition shall describe the territory proposed to be embraced in such city, and shall have annexed thereto an accurate map or plot thereof, and state the name proposed for such city, and shall be accompanied with satisfactory proof of the number of the inhabitants within the territory embraced in said limits.

What petition
must contain.

Court must
designate the
class of pro-
posed city and
fix time of
election.

§ 1710. s 2. When such petition shall be presented, the court shall forthwith designate the class of the proposed city, and fix the time and place within the boundaries of such proposed city, or town at which the election may be held to determine such question; And such election shall be held and conducted in the same manner as provided by law for conducting general elections. Said court, before such election is held, shall give notice by publication in some newspaper published within said limits, if there be one, at least once a week for four successive weeks; but if there be no newspaper published therein, then by posting notices at least four weeks in five public places within said limits. Said notices shall contain a statement of the petition and describe the territory proposed to be incorporated, and the officers to be elected, and shall also designate the time and place at which the election aforesaid shall be held. The ballots used at such election shall be "for incorporation," or "against incorporation," and if "for incorporation" the names of the persons voted for.

Court must
give notice of
election.

What notice
must contain.

Form of ballot.

If vote in favor
of incorpora-
tion, clerk to
publish result.

§ 1711. s 3. If a majority of the ballots cast at such election be in favor of such incorporation, the clerk of the county court shall immediately, on the returns of said election being filed in the proper office, give notice of the result by publication in the same manner as provided in the preceding section, and in such notices he shall designate to which of the classes of municipal corporations hereinafter provided such city shall belong. A copy of the notice, with proper proof of its publication, shall be filed with the papers, and a certified copy of all papers and record entries, relating to the matter on file in the clerk's office, shall be filed in the recorder's office of the county, and in the office of the secretary of the

Copies of such
notice to be
filed, how and
where.

Territory. Upon the filing of said papers, it shall be the duty of the secretary of the Territory to make publication in some newspaper having general circulation within the Territory of the incorporation of said city or town.

Secretary of Territory to make publication of the incorporation of city.

§ 1712. s 4. At the time of holding said election, the qualified voters, within said limits, shall vote for the election of the municipal officers hereinafter provided for. Said election shall be conducted and the canvass and returns of the votes cast at said election shall be made as provided by law.

Who to vote at said election.

§ 1713. s 5. When the papers referred to in section three of this act are filed and the officers are elected and qualified for such city or town and publication is made by said clerk and secretary, the incorporation thereof shall be complete; and all courts in this Territory shall take judicial notice of the existence of such city or town.

When incorporation deemed completed.

§ 1714. s 6. Any incorporated city or town now existing in this Territory may incorporate under this act in the manner following: Whenever a majority of the qualified electors of such city or town, as shown by the registration lists of the preceding year, shall petition the city council or board of trustees, as the case may be, to submit the question as to whether such city or town shall incorporate under this act, to the vote of the electors in such city or town, it shall be the duty of said council or board of trustees, to submit such question accordingly; and designate the class under which said city or town will come, and appoint the place at which such voting may be done; and such election shall be had and conducted as prescribed by law: *Provided*, That such question shall be submitted at the next general municipal election; but such question shall not be submitted oftener than once in two years.

How incorporated cities or towns now existing may incorporate under this act.

§ 1715. s 7. The mayor of such city, or the president of the board of trustees in such town, shall give notice at least once a week for four successive weeks of such election by publishing the notice thereof in one or more newspapers within such city or town; but if no newspaper is published therein, then by posting at least five copies of such notice in each municipal ward or voting precinct for at least four weeks, and such notices shall state the officers to be elected.

Notice of such election, how given.

§ 1716. s 8. The ballots to be used at such election shall be in the following form: "for incorporation," or "against incorporation," and at the time of holding such

Form of ballots to be used at such election.

Such city or town shall be deemed organized under this act, if a majority vote therefor.

election the municipal officers hereinafter provided for shall be voted for by the qualified electors. The returns of said election shall be entered upon the records of said city or town. If a majority of the votes cast at such election shall be for organization under general law, such city or town shall thenceforth be deemed organized under this act; but the officers then in office shall be governed by the provisions of the characters of their respective cities or towns until the officers elected under this act are qualified.

Certified copies of returns of such election to be filed, how and where.

§ 1717. s 9. The corporate authorities of such city or town shall, within thirty days after organization hereunder, cause to be filed in the office of the county recorder in the county in which said city or town is situated, a certified copy of the returns of the votes, showing the result of such election and such recorder shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the secretary of the Territory, who shall file the same and keep a registry of cities organized under this act. Said secretary shall, upon filing said certificate, publish a notice in some newspaper having general circulation within the Territory, of the fact of such city or town becoming incorporated as herein provided.

Secretary to keep a registry of cities incorporated. Secretary shall publish notice of the fact of a city or town becoming incorporated.

Courts to take notice of change of organization of city or town.

§ 1718. s 10. All courts in this Territory shall take judicial notice of the change of the organization of any city or town from its original organization to its organization under this act; and from the time of organization the provisions of this act shall be applicable to such city. And all laws in conflict therewith shall no longer be applicable; but all laws, or parts of laws, not inconsistent with the provisions of this act shall continue in force and be applicable to any such city the same as if such change had not taken place.

Laws not inconsistent with this act to continue in force.

Powers of cities incorporated under this act.

§ 1719. s 11. Cities incorporated under this act shall be bodies politic and corporate and shall be known and designated by the name and style of (such name as may be agreed upon) and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and may change the same at pleasure, have perpetual succession and exercise all the powers hereinafter conferred.

§ 1720. s 12. All rights and property of every kind and description which were vested in any municipal corpora-

tion under its former organization shall be deemed and held to be vested in the same municipal corporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of, or against such incorporation existing at the time of becoming so incorporated under this act, and no action or prosecution of any kind shall be affected by such change; but the same shall stand and progress as if no change had been made; *Provided*, That whenever a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedy before provided, and used accordingly.

Property held by a municipal corporation to vest in the corporation organized under this act.

Saving clauses

§ 1721. s 13. All ordinances and resolutions in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; *Provided*, That such ordinances and resolutions do not conflict with the provisions of this act, and the making of such change of organization shall not be construed to effect the change in the legal identity of the corporation of such city or town.

Ordinances and resolutions in force at time of such change, which do not conflict with this act shall continue in force.

§ 1722. s 14. The municipal corporation in this Territory now existing and those hereafter organized shall be, and the same are hereby divided into three classes. Those cities having twenty thousand or more inhabitants shall be known as cities of the first class. All cities having more than five thousand and less than twenty thousand inhabitants shall be known as cities of the second class; and all other cities shall be known as cities of the third class.

Municipal corporations divided into three classes.

§ 1723. The municipal authorities of any city in this Territory are hereby authorized to appoint commissioners to take the census of such city before any municipal election; and if from the returns of said commissioners it shall be shown that any city belongs to the second or first class it shall be the duty of the mayor to certify under the seal of the city to the Governor of the Territory, the number of inhabitants of such city, and the Governor shall make proclamation that said city belongs to the second or first class, under the classification of cities as herein provided.

Municipal authorities to appoint census commissioners to take census.

Governor shall make proclamation as to what class cities belong

§ 1724. s 15. Whenever any city of the second or third class shall have attained the population of twenty thousand or more, or five thousand or more, respectively, and

Cities increasing sufficiently in population to entitle them to be advanced to next class.	such fact shall have been duly ascertained and certified to the Governor by the mayor of either of said cities, attested by the seal thereof, he shall declare, by public proclamation, such city to be of the first or second class, as the case may be, and such city so changed shall conform to the provisions of this act.
Cities of the first and second class to be divided into five wards	§ 1725. s 16. All incorporated cities of the first and second class shall be divided into five municipal wards, the boundaries shall be prescribed by ordinance, prior to the next municipal election: <i>Provided</i> , That said wards shall be as near as may be of equal population, and as near as may be in compact form.
Council of cities of the first class, how constituted	§ 1726. s 17. The municipal government of all incorporated cities of the first class is hereby vested in a city council, to be composed of a mayor, who shall be a qualified elector in his city, and fifteen councilmen, three from each ward, who shall be qualified electors in their respective wards.
How elected.	§ 1727. The mayor shall be chosen by the qualified voters of their respective cities, and the councilmen shall be chosen by the qualified voters of their respective wards; they shall hold their office for two years and until their successors are elected and qualified.
Term of office.	
Council of cities of the second class, how constituted	§ 1728. s 18. The government of each municipal corporation of the second class is hereby vested in a city council, to be composed of a mayor, and ten councilmen, two from each ward, all of whom shall be qualified electors in their respective wards. The mayors shall be chosen by the qualified voters of their respective cities, and the councilmen shall be chosen by the qualified voters of their respective wards.
How elected.	
Term of office.	And they shall hold their offices for two years and until their successors are elected and qualified.
Council of cities of the third class, how constituted.	§ 1729. s 19. The municipal government of cities of the third class shall be vested in a council, to consist of a mayor and seven councilmen, who shall have the qualifications of electors of said city, and they shall be chosen by the qualified voters of said city, and shall hold their office for two years and until their successors are elected and qualified.
How chosen.	
Term of office.	

ARTICLE II.

THE MAYOR.

SECTION.

- 1730 Mayor the chief executive officer; qualifications of.
 1731 Vacancy in office of; how filled.
 1732 Mayor *pro tem.*; how elected.
 1733 Mayor removing from city vacates his office.
 1734 Mayor to preside at meetings and shall vote in case of a tie.

SECTION.

- 1735-1740 Mayor, power and duties of.
 1741 Mayor or any officer liable to indictment for neglect, etc., of duty.
 1742 May appoint one or more persons to revise ordinances in certain cases.

§ 1730. s 1. The chief executive of the city shall be the mayor, who shall be a qualified elector, and freeholder within the city limits, and hold his office for two years and until his successor is elected and qualified. Mayor chief executive officer, qualifications of.

§ 1731. s 2. Whenever a vacancy shall happen in the office of mayor, the city council shall elect a mayor, who shall possess all the rights and powers of the mayor, until the next election, and until his successor is elected and qualified. Vacancy, how filled.

§ 1732. s 3. During the temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem.*, who, during such absence or disability, shall possess the power of mayor. Mayor *pro tem.*, how elected.

§ 1733. s 4. If a mayor at any time during his term of office shall remove from the limits of the city, his office shall thereby become vacant. Mayor removing from city vacates his office.

§ 1734. s 5. The mayor shall preside at all meetings of the city council; but shall not vote except in case of a tie, when he shall give the casting vote. Mayor to preside at council and vote in case of a tie.

§ 1735. s 6. The mayor shall have power to remove any officer appointed by him, whenever he shall be of the opinion that the interests of the city demand such removal; but he shall report the reasons of such removal to the council at its next regular meeting. Removal of officers.
Powers of mayor and duties.

§ 1736. s 7. He may exercise within the city limits, the powers conferred upon him, to suppress disorder and keep peace; and he may remit fines and forfeitures and release any person imprisoned for violation of any city ordinance; and shall report such remittance or release, with the cause thereof, to the city council at its next session.

§ 1737. s 8. He shall perform all duties which are, or may be prescribed by law, or by ordinance, and shall see that the laws and ordinances are faithfully executed.

§ 1738. s 9. He shall have power at all times to examine and inspect the books, records and papers of any officer or agent employed by the city.

§ 1739. s 10. The mayor shall from time to time, give the council information relative to the affairs of the city; and shall recommend for their consideration, such measures as he may deem expedient.

§ 1740. s 11. He shall have power, when necessary, to call upon every male inhabitant of the city over the age of twenty-one years, to aid in enforcing the laws and ordinances, in suppressing riots, and other disorderly conduct, or carrying into effect any law or ordinance of the city.

Misconducting
officers liable
to indictment.

§ 1741. s 12. In case the mayor or any municipal officer shall, at any time, wilfully omit the performance of any duty, or wilfully and corruptly be guilty of oppression, misconduct or misfeasance in the discharge of his office, he shall be liable to indictment, and, on conviction thereof, fined in a sum not exceeding one thousand dollars, and the court under which such conviction shall be had, shall enter an order removing such officer from office.

Revision of
ordinances.

§ 1742. s 13. He may appoint, by and with the advice of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city; the compensation of such revisors to be determined and fixed by the city council and paid out of the city treasury.

ARTICLE III.

SECTION.

- 1743 Councilmen, term of office of.
 1744 Vacancy in office of; how filled.
 1745 Qualifications of.
 1746 Council judge of election and qualification of its own members.
 1747 Shall determine its own rules and may punish or expel members.
 1748 Majority shall constitute quorum
 1749 Council meetings; time and place of holding.
 1750 Open doors; journal.

SECTION.

- 1751 Yeas and nays shall be taken in certain cases; majority of those elected necessary to pass a measure.
 1752 No vote of council to be reconsidered in certain cases.
 1753 Report of committee to be deferred when.
 1754 All ordinances must be signed by mayor and published; ordinances to be received in evidence.

§ 1743. s 1. Councilmen shall hold their office for the term of two years and until their successors are elected and qualified. Councilmen, terms of office of.

§ 1744. s 2. If any vacancy shall occur in the office of councilmen by death, resignation, removal, or otherwise, such vacancy shall be filled for the unexpired term by appointment of the city council, from the ward in which the vacancy occurs. Vacancy, how filled.

§ 1745. s 3. No person shall be eligible to the position of councilman unless he shall be a freeholder within the city, a qualified elector, and reside within the ward for which he is elected; nor shall he directly or indirectly be interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery, or corruption in his office; nor shall he be eligible to any office, the salary of which is paid out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government. Qualifications of

§ 1746. s 4. The city council shall be the judge of the election and qualification of its own members. Council judge of election and qualification of members.

§ 1747. s 5. It shall determine its own rules of proceedings, punish its members for disorderly conduct and with the concurrence of two-thirds of the members of the council, may expel a member for cause. May adopt rules of proceeding.

Majority shall constitute a quorum.

§ 1748. s 6. The majority of the council elected shall constitute a quorum to do business; but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

Council meetings, time and place of holding.

§ 1749. s 7. The city council shall prescribe the time and place of holding its meetings; *Provided*, That at least one meeting shall be held each month, and the mayor or any two members of the council may call a special meeting by giving a notice of it to each of the members of the council served personally or left at his usual place of abode.

Open doors; journal.

§ 1750. s 8. It shall sit with open doors and keep a journal of its own proceedings.

Yeas and nays, when to be taken.

§ 1751. s 9. The yeas and nays shall be taken upon the passage of all ordinances and all propositions to create any liability against the city, and in all other cases at the request of any member, which shall be entered upon the journal of its proceedings; and the concurrence of a majority of the members elected to the city council shall be necessary to the passage of any such ordinance or proposition.

What majority necessary to pass a measure

When vote not to be reconsidered.

§ 1752. s 10. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of councilmen as were present when such vote was taken.

Report of committee deferred, when.

§ 1753. s 11. Any report of a committee of the council shall be deferred for final action thereon to the next regular meeting of the council after the report is made by request of any two members of the council.

All ordinances must be signed by mayor.

§ 1754. s 12. All ordinances passed by the city council, shall be signed by the mayor, and be deposited in the office of the city recorder. All ordinances so passed by the council and signed by the mayor, shall be published once in some paper, published within the city, if there be one, at least once a week for four successive weeks; if not, it shall be published by posting in three public places in said city; *Provided*, That whenever a revision occurs, and said revised ordinances are published by authority of the city council, no further publication shall be deemed necessary. The city recorder shall record in a book kept for that purpose, all the ordinances passed by the city council, together with the affidavits of publication by the publisher, or his agent. And said book or a certified copy of the ordinances so recorded under the seal

Must be published.

of the city shall be received as evidence in all courts and places, without further proof; or if printed in book or pamphlet form by the authority of the city council, they shall be so received.

Ordinances
received in
eviden e.

ARTICLE IV.

THE POWER OF THE CITY COUNCIL.

SECTION.

1755 Powers of council.

- 1 Control finances and property of the corporation.
- 2 Appropriate money for certain purposes; purchase and sell property.
- 3 Levy and collect taxes.
- 4 Fix licenses.
- 5 Erect buildings.
- 6 Borrow money and issue bonds.
- 7 Issue bonds in place of maturing bonds.
- 8 Establish and improve streets and public grounds.
- 9 Plant trees.
- 10 Regulate the use of streets, alleys, etc.
- 11 Remove obstructions from the same.
- 12 Light and sprinkle the same.
- 13 Regulate the opening therein for the laying of gas and water pipes, etc.
- 14 Construct water works, etc., and street railways or bath houses.
- 15 Construct water works out of their limits.
- 16 Control water leading to the city; control water courses and mill privileges in the city, and collect taxes for furnishing the city with water.
- 17 Control canals and purchase springs, etc.
- 18 Authorize persons to construct gas works or other light works and furnish light to city.
- 19 Provide for lighting streets and regulate the use and sale of gas and other lights, and prohibit or regulate the erection of telegraph poles, etc.
- 20 Fix water rates.
- 21 Regulate sidewalks.

SECTION.

1755 Powers of council, continued.

- 22 Prevent the injury to or obstruction of streets, etc., or public grounds.
- 23 Regulate cross walks, curbs and gutters.
- 24 Regulate or prevent the use of streets for certain purposes.
- 25 Regulate the exhibition of placards, etc.
- 26 Regulate the flying of flags, etc., across the streets.
- 27 Regulate or prevent traffic upon public places.
- 28 Regulate the speed of horses and locomotives and prevent horse racing.
- 29 Number houses and lots.
- 30 Name streets, etc.
- 31 Permit or prohibit the laying of railroads, etc., in streets and public grounds.
- 32 Provide location, etc., of railroads.
- 33 Require railroads to fence their tracks, etc.
- 34 Require railroads to keep flagmen at crossings and conform tracks to established grades and keep ditches, etc., along the track.
- 35 Construct bridges, etc.
- 36 Construct culverts, drains, sewers, etc.
- 37 License and regulate certain avocations and business pursuits.
- 38 License, etc., billiard tables, etc.
- 39 Prohibit bawdy and other houses, gaming, etc., and the sale of obscene publications.
- 40 License, etc., the sale of intoxicating liquors.
- 41 Prohibit the selling of intoxicating liquors to certain persons; prohibit the keeping of houses where opium is smoked.

SECTION.	SECTION.
1755 Powers of council, continued.	1755 Powers of council, continued.
42 Establish and regulate markets.	65 Purchase cemetery and hospita.
43 Regulate the selling of meats, vegetables, etc.	grounds and regulate the same.
44 Regulate the inspection of meats, etc.	66 Regulate the burial of the dead and the registration of births and deaths.
45 Regulate the inspection, etc., of building materials, etc.	67 Regulate the running at large of animals, establish a pound and appoint a keeper.
46 Provide for sealing weights and measures.	68 Regulate the keeping of dogs.
47 Require proper weights and measures.	69 Regulate packing houses, tanneries, slaughter houses, etc.
48 Regulate the use of vaults, cisterns, etc.	70 Prohibit any offensive business.
49 Prevent intoxication, etc., provide against assaults and battery, and petit larceny, restrain riots, etc., and regulate the discharge of firearms, fireworks, etc.	71 Provide for taking the census.
50 Regulate the carrying of concealed weapons.	72 Provide public buildings.
51 Arrest mendicants, vagrants, etc.	73 Prevent or regulate certain amusements on the streets.
52 Punish persons for disturbing the peace.	74 Regulate the keeping of lumber yards.
53 Punish tramps, beggars, prostitutes, gamblers, thieves, etc.	75 Purchase or lease water works, fire signals or apparatus and regulate the same.
54 Define fire limits, and cause dangerous buildings to be put in a safe condition.	76 Establish free libraries and reading rooms.
55 Prescribe the manner of constructing buildings and fire escapes, etc.	77 Regulate public demonstrations.
56 Regulate the construction of chimneys, etc.	78 Bury the dead.
57 Regulate certain manufactories and prevent the deposit of ashes in unsafe places.	79 Levy and collect a street tax.
58 Provide a fire department and regulate the same.	80 Keep and educate children destitute of parental care.
59 Regulate the storage of explosives and the use of lights, etc.	81 Regulate the inspection of liquors.
60 Inspect steam boilers.	82 Regulate butchers and the selling of meats and vegetables, etc.
61 Establish jails, etc., and appoint officers therefor.	83 Prevent the ringing of bells and other noises for certain purposes.
62 Prohibit cruelty to animals.	84 Compel the fastening of animals.
63 Abate nuisances.	85 Extend streets or construct sewers across railway tracks.
64 Make quarantine laws, etc., and create a board of health.	86 Require officers to give bonds and make reports.
	87 Appoint police, remove officers, fill vacancies, create offices, prescribe duties and compensation of officers.
	88 Exercise the power of eminent domain.
	89 Raise revenue by license.
	90 Pass ordinances for certain purposes and enforce obedience to ordinances.

Powers of
council.

§ 1755. s 1. The city council shall have the following powers:

1. To control the finances and property of the corporation.

2. To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation; and to purchase, receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the city, both within and without its corporate boundaries;

Appropriations.

to improve and protect such property, and to do all other things in relation thereto as natural persons.

3. To levy and collect taxes for general and special purposes on real and personal property. Levy and collect taxes.

4. To fix the amount, terms and manner of issuing licenses. Fix licenses.

5. To erect all needful buildings for the use of the city. Erect buildings.

6. To borrow money on the credit of the corporation for corporate purposes, and issue the bonds therefor in such amounts and form and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to any amount including the existing indebtedness in the aggregate, to exceed four per centum on the value of the taxable property therein, to be ascertained by the last assessment for the Territorial and county taxes previous to the incurring of such indebtedness; and shall provide for the payment of the interest on said bonds, as the same shall become due, and for a sinking fund for the payment of the principal of said bonds, within twenty years after contracting the same. Borrow money and issue bonds.

7. To issue bonds in place of, or to supply means to meet maturing bonds, or for the consolidation or funding of the same. New bonds for maturing bonds.

8. To lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, parks and public grounds and vacate the same. Streets and public grounds.

9. To plant, or direct and regulate the planting of ornamental and shade trees in such streets, avenues, sidewalks, parks and public grounds. Shade trees.

10. To regulate the use of streets, alleys, avenues, sidewalks, cross walks, parks and public grounds. Use of streets, etc.

11. To prevent and remove obstructions and encroachments upon the same. Removal of obstructions.

12. To provide for the lighting, sprinkling and cleaning of the same. Lighting and sprinkling.

13. To regulate the opening therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels, drains, and erecting gas or electric lights, *Provided*, That any company heretofore organized under the general laws of this Territory, or any association of persons organized for the purposes of manufacturing illuminating gas or electricity to supply cities, or the inhabitants thereof

with the same, shall have the right by consent of the city council (subject to existing right) to erect gas or electric light works, and lay down pipes, or string wires on poles in the streets or alleys of any city in this Territory, subject to such regulations as such city may by ordinance impose.

Right to erect gas works, etc., and lay pipes, etc.

Water works, etc., street railways, bath houses.

14. To construct and maintain water works, gas works, electric light works, street railways, or bath houses, or to authorize the construction and maintenance of the same by others, or to purchase any or all of said works from any person or corporation.

Water works out of their limits.

15. To construct, or authorize the construction of water works without their limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the Territory occupied by such works; and all reservoirs, streams, canals, ditches, pipes and drains used in, and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for ten miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

Control water leading to city; water courses and mill privileges in city.

16. To control the water and water courses leading to the city, and to regulate and control the water courses and mill privileges within the city; *Provided*, That the control shall not be exercised to the injury of any rights already acquired by actual owners; and to levy and to collect taxes upon all taxable real and personal property, not to exceed one per cent. per annum for the purpose of furnishing the city or the inhabitants thereof with water for irrigation and other purposes, and to regulate and control the same for the use and benefit of the inhabitants thereof, and may assess, collect and enforce the payment of the taxes in any manner provided for by ordinance.

Taxes for water supply.

Construct canals, purchase springs, etc.

17. To construct, purchase and maintain canals, ditches and reservoirs; and to purchase springs, streams, or sources of water supply for the purpose of providing water for irrigation, domestic or other purposes; and if necessary to secure said sources of water supply, may purchase the land upon which said water has been appropriated or applied.

Gas works or other light works.

18. To make contract with, and authorize any person, company, or association, to construct gas works, electric, or other light works in said city, and give such persons, com-

pany or association the privilege of furnishing light for the public buildings, streets, sidewalks, and alleys of said city, for any length of time not exceeding three years.

19. To provide for the lighting of streets, laying down of gas pipes, and erection of lamp posts, and to regulate the sale and use of gas and electric, or other lights, the charge therefor, and the rent of gas meters within the city, and to regulate the inspection thereof, to prohibit, or regulate the erection of telegraph, telephone or electric wire poles in the public grounds, streets or alleys, and the placing of wires thereon, and to require the removal from the public grounds, streets or alleys, of any or all such poles, and the placing underground of any or all telegraph, telephone or electric wires.

Lighting streets, regulation of use and sale of gas and other lights,

Telegraph poles, etc.

20. To fix the rate of tax to be paid for the use of water furnished by the city, or any person or corporation.

Water rates.

21. To regulate the use of sidewalks and all structures thereunder and to require the owner or occupant or any person to keep the sidewalks in front of, or along the same, free from snow and all other obstructions.

Sidewalks.

22. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury or obstruction to any street, avenue, alley, park or public ground.

Injury to or obstruction of streets, etc.

23. To provide for and regulate cross walks, curbs, and gutters.

Cross walks, curbs and gutters.

24. To regulate or prevent the use of streets, sidewalks, public buildings and grounds for signs, sign-posts, awnings, telegraph or telephone poles, horse troughs, racks, posting handbills or advertisements.

Use of streets, etc., for certain purposes.

25. To regulate or prohibit the exhibition, or carrying of placards, or handbills in the streets, public grounds, or upon the sidewalks.

Exhibition of placards, etc.

26. To regulate or prevent the flying of flags, banners, or signs across the streets or from houses.

Of flags across the streets.

27. To regulate or prohibit traffic and sales upon the streets, sidewalks, and public places.

Traffic in public places.

28. To regulate the speed of horses and other animals vehicles, cars, and locomotives within the limits of the corporation; and to prevent horse-racing, immoderate driving or riding in the streets.

Speed of horses, locomotives; horse racing.

29. To regulate the numbering of houses and lots.

Numbering houses and lots.

Naming
streets, etc.

30. To name and change the name of any street, avenue, or other public places.

Laying of rail-
roads, etc., in
streets, public
grounds.

31. To permit, regulate or prohibit the locating, constructing, or laying the track of any railroad, or tramway, in any street, alley, or public place; but such permission shall not be for a longer time than twenty years.

Changing lo-
cation, etc., of
railroads.

32. To provide for and change the location, grade and crossing of any railroad.

Fencing rail-
roads.

33. To require railroad companies to fence their respective railroads, or any portion of the same, and construct cattle guards, crossings of streets, and public roads, and keep the same in repair within the limits of the corporation.

Flagmen at
crossings.

34. To require railroad companies to keep flag-men at railroad crossings of streets, and provide protection against injury to persons and property; to compel such companies to raise or lower their railroad tracks to conform to any grade which at any time be established by such city, and where such tracks run lengthwise of any such street, alley, or highway, to keep a railroad track on a level with the street surface so that such tracks may be crossed at any place on such street, alley, or highway; to compel and require railroad companies to make and keep open, and to keep in repair ditches drains, sewers, and culverts, along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural or artificial drainage of adjacent property shall not be impeded.

Railroad
grades.

Ditches, drains
etc. along rail-
road track.

Bridges, etc.

35. To construct and keep in repair bridges, viaducts and tunnels and to regulate the use thereof.

Culverts,
drains, sewers
etc.

36. To construct and keep in repair culverts, drains, sewers, catch basins, man-holes and cesspools, and to regulate the use thereof.

License, etc.,
of kinds of
business and
amusements.

37. To license, tax and regulate hawking, peddling, pawnbrokerage, employment agencies, the keeping of ordinaries, theatricals and other exhibitions, shows and amusements, and the business conducted by ticket scalpers, distillers, brewers, money-changers, brokers, keepers of public scales, runners for stages, cars, public houses, or other persons or things, and to revoke such license at pleasure; to license, tax and regulate banks, bath houses, livery stables, skating rinks, smelters, crushers, express companies, restaurants, hotels, taverns, theatres, opera houses, music halls, boarding houses, eating houses, chop houses, lodging houses, laundries, barber

shops, second hand or junk stores, and to forbid the owners or person in charge of said stores from purchasing or receiving from minors without the written consent of their guardian, or parents, any article whatever; to license, tax and regulate the business conducted by hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, watermen, and all others pursuing like occupation, and to prescribe their compensation; merchants, retailers, shop and storekeepers, druggists, photographers, assayers, confectioners and fruit peddlers.

38. To license, regulate and tax and suppress billiard, License of billiard tables, etc. bagatelle, pigeon hole, or any other tables or implements kept or used for a similar purpose; also pin alleys, or tables or ball alleys.

39. To suppress and prohibit the keeping of bawdy and Bawdy and other houses. other disorderly houses, houses of ill-fame, or assignation, or houses kept by, maintained for, or resorted to, or used by one or more females for lewdness or prostitution within the limits of the city, and within three miles of the outer boundaries thereof, and to prohibit the resorting thereto for any of the purposes aforesaid; and also to suppress and prohibit gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all kinds of gaming, playing at Gaming, etc. dice, cards, or other games of chance, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures, or illustrations. Obscene publications.

40. To license, regulate and tax the manufacturing, Traffic in liquors. selling, giving away, or disposing of in any manner any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license, and said license shall be subject to the same restrictions as required by the general laws of the Territory, and said council shall require of all persons applying for a license hereunder, a bond in good and sufficient security and with like conditions as required by the general laws of the Territory in this regard; *Provided*, That no other or further permit or license shall be required by the county in which such city is situated to enable such person or persons so licensed, to sell or deal therein with the limits of the corporation.

Selling liquors
to certain per-
sons.

41. To punish and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, insane or idiotic person, habitual drunkard, or person intoxicated; and also to punish and prohibit the keeping or maintaining or becoming an inmate of or visiting or in any way contributing to the support of any place, house or room where opium is smoked or where persons assemble for the purpose of smoking opium or inhaling the fumes of opium or where opium is sold for such purpose.

Opium smok-
ing.

Markets.

42. To establish markets and market houses, and provide for the regulation and use thereof.

Selling of
meats, vege-
tables, etc.

43. To provide for place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and regulate the selling of the same.

Inspection of
meats, etc.

44. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal and all other provisions.

Inspection,
etc., of build-
ing material,
etc.

45. To regulate the inspection, weighing and measuring of lumber, fire wood, coal, hay.

Sealing
weights and
measures

46. To provide for the inspection of and sealing of weight and measures.

Proper
weights and
measures.

47. To enforce the keeping of proper weights and measures by venders.

Use of vaults,
cisterns, etc.

48. To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters.

Intoxication,
etc.

49. To prevent intoxication, fighting, gambling, quarrelling, dog fights, cock fights, and all disorderly conduct, and provide against and prevent the offences of assault and battery, and petit larceny; to restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house or place in the city; to regulate or prevent the discharge of fire arms, rockets, powder, fire works, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of public buildings.

Assault and
battery; petit
larceny.
Riots, disturb-
ances, etc.,
discharge of
firearms, fire-
works, etc.

Carrying con-
cealed weap-
ons.

50. To regulate and prohibit the carrying of concealed weapons.

Vagrants.

51. To arrest, fine, or set to work on the streets, or elsewhere, all vagrants, mendicants and persons found in said city, without visible means of support, or some legitimate business.

Disturbing the
peace.

52. To provide for the punishment of persons disturbing the peace and good order of the city, or any lawful

assembly, by clamor, or noise, or by intoxication, fighting, or using obscene or profane language, or otherwise violating the public peace by indecent or disorderly conduct, or by lewd or lascivious behavior.

53. To provide for the punishment of tramps, common street beggars, common prostitutes, habitual disturbers of the peace, pickpockets, gamblers, thieves, persons who practice any game, trick, or device with intent to swindle.

Tramps, beggars, prostitutes, gamblers, thieves, etc.

54. To define the fire limits and prescribe limits within which no building shall be constructed, except brick, stone or other incombustible material, without permission, and to cause the destruction or removal of any building constructed or repaired in violation of any ordinance; and to cause all buildings and inclosures which may be in a dangerous state to be put in a safe condition.

Fire limits.
Dangerous buildings to be made safe.

55. To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein; and to cause all buildings used for public purposes to be provided with sufficient and ample means of exit and entrance, and to be supplied with necessary and appropriate appliances for the extinguishment of fire and to prevent the overcrowding, and to regulate the placing and use of seats, chairs, benches, scenery, curtains, blinds, screens, or other appliances therein.

Construction of new buildings, fire escapes, etc.

56. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, heaters, ovens, furnaces, boilers and apparatuses, used in and about buildings and manufactories, and cause the same to be removed or placed in a safe condition, where considered dangerous.

Construction of chimneys, etc.

57. To regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, and to prevent the deposit of ashes in unsafe places.

Certain manufactories.
Deposit of ashes.

58. To provide for the organization and support of a fire department, to procure fire engines, hooks, ladders, buckets, and other apparatuses, and to organize fire engine, hook and ladder companies, and to prescribe rules, duties, and government therein, with such penalty as the council may deem proper, and to make all necessary appropriation therefor, and to establish regulations for the prevention and extinguishment of fires.

Fire department.

Storage of explosives, use of lights, etc.

59. To regulate or prevent the storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, nitro-glycerine, petroleum, or any of the products thereof and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate or restrain the use of fireworks, fire crackers, torpedoes, Roman candles, sky rockets, or other pyrotechnic displays.

Inspection of steam boilers. Jails, etc., officers thereof.

60. To provide for the inspection of steam boilers.

61. To establish, erect and maintain city jails, houses of correction, and work houses for the confinement of persons convicted of violating any city ordinance, and make rules and regulations for the government of the same, and appoint necessary jailors and keepers, and to use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county court.

Cruelty to animals.

62. To prohibit cruelty to animals.

Nuisances.

63. To declare what shall be a nuisance and to abate the same, and impose fines upon parties who may create, continue, or suffer nuisances to exist.

Quarantine.

64. To make regulations to secure the general health of the city, to prevent the introduction of contagious, infectious, or malignant diseases into the city, and to make quarantine laws and enforce the same within the corporate limits, and within twelve miles thereof. To create a board of health and prescribe the power and duties of the same.

Board of health.

Cemetery and hospital grounds.

65. To purchase, hold and pay for lands within or without the corporate limits for the burial of the dead, and all necessary ground for hospitals, and to have and exercise police jurisdiction over the same, and over cemetery used by said city; and to survey, plat, map, fence, ornament and otherwise improve all burial and cemetery grounds; and to convey cemetery lots owned by said city, and pass rules and ordinances for the protection and governing of said grounds, and for the governing of owners of lots therein, and visitors and trespassers.

Burial of the dead; registration of births and deaths.

66. To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for default therein.

67. To regulate, or prohibit the running at large within the limits of the city, horses, mules, asses, cattle, swine, sheep, goats, geese and all kinds of poultry; to establish a pound and appoint a pound keeper, and prescribe his duties, and to distrain and impound animals running at large, and to provide for the sale of the same in the same manner as provided for sale of estrays and animals doing damage, by the laws of the Territory. The proceeds arising from the sale of such animals, after the payment of all costs, shall go to the city treasurer.

Running at large of animals.

Pound and pound keeper.

68. To license, tax, regulate or prohibit the keeping of dogs, and authorize the destruction of the same when at large contrary to ordinance.

Keeping of dogs.

69. To direct the location and regulate the management and construction of packing houses, tanneries, canneries, renderies, bone factories, slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables and blacksmith shops in, and within one mile of the limits of the corporation.

Packing houses, tanneries, slaughter houses, etc.

70. To prohibit any offensive or unwholesome business or establishment within one mile of the limits of the corporation, to compel the owner of any pig sty, privy, barn, corral, sewer, or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and regulate the location thereof.

Offensive business.

71. To provide for taking the census, but no census shall be taken oftener than once in five years, except as provided in section 14, Article 1, of this act.

Taking census.

72. To provide for the construction and care of all public buildings necessary for the use of the city.

Public buildings.

73. To prevent or regulate the rolling of hoops, playing of ball, flying of kites, riding of bicycles or tricycles, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on sidewalks, or to frighten teams or horses.

Amusements on the streets.

74. To regulate, tax or prohibit the keeping of any lumber yard, and the placing or piling, or selling any lumber, timber, wood, or other combustible material within the fire limits of the city.

Lumber yards.

75. To purchase, construct, lease, rent, manage and maintain any system or part of system of water works, hydrants and supplies of water, telegraphic fire signals, or fire apparatuses and to pass all ordinances, penal or otherwise,

Purchase or lease of water works; fire signals, or apparatus.

that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or constructed.

Free libraries
and reading
rooms.

76. To establish, maintain and regulate free public libraries and reading rooms, and to perpetuate such free libraries and reading rooms as may have been heretofore established in said cities.

Public demon-
strations.

77. To regulate or prohibit all public demonstrations and processions which interfere with public traffic.

Burial of in-
digent dead.

78. To provide for the burial of indigent dead and to pay the expenses thereof.

Street taxes.

79. To provide by ordinance for the annual levy and collection of a street tax assessed upon the property, real or personal, of the city. Said tax not to exceed one-half of one per cent., in any one year, and to be expended for the opening, widening, grading, paving and improving of the streets, sidewalks, avenues, and alleys of the city.

Nurture of
children des-
titute.

80. To authorize the taking and providing for the safe keeping and education for such periods of time as may be expedient, of all children who are destitute of proper parental care.

Regulate the
inspection of
liquors.

81. To regulate the inspection of whiskey and other liquors.

Regulate
butchers and
the selling of
fresh meats
and vegetables
etc.

82. To regulate, license the business conducted by butchers and revoke their license for malconduct in the course of trade, and regulate, license the selling of fresh meat and vegetables in the city, and to prohibit the forestalling of poultry, fruit, vegetables and eggs.

Prevent the
ringing of bells
and other
noises for cer-
tain purposes.

83. To prevent the ringing of bells, blowing of horns and bugles, crying of goods and other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers and others for the purpose of business, amusement or otherwise.

Compel the
fastening of
animals.

84. To compel persons to fasten animals attached to vehicles while standing or remaining in the streets.

Extend streets
or construct
streets across
railway tracks.

85. To extend any street, alley or highway by condemnation or otherwise, over or across, or to construct any sewer under or through any railroad track, right of way or land of any railroad company within the corporate limits; but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land

to its former condition, or in such a manner as not to have impaired its usefulness.

86. To require all officers and agents elected or appointed in pursuance of this act to give bond and security for the faithful performance of their duties, and to require from every officer of the city at any time to report in detail all the transactions in his office, or of any matters connected therewith. Require officers to give bonds and make reports.

87. To appoint police and watchmen and to define their powers and duties, and to remove all officers of the city for misconduct, and to provide for filling such vacancies as may occur in any elective office, and to create any office that may be deemed necessary for the good government of the city; to regulate and prescribe the powers, duties and compensation of all officers of the city not herein provided for. Policemen and watchmen. Vacancies, how filled.

88. To exercise the power of eminent domain and to take private property for public use, within or without the city, for the purposes and in the manner provided by law. Power of eminent domain.

89. To raise revenues by levying and collecting a license fee or tax on any private corporation or business within the limits of the city, and regulate the same by ordinance. All such license fees and taxes shall be uniform in respect to the class upon which they are imposed. Revenue by license.

90. To pass all ordinances, rules and make all regulations, not repugnant to the Constitution and laws of the United States, or the laws of this Territory, necessary for carrying into effect or discharging all powers and duties conferred by this act, and such as shall seem necessary and proper to provide for the safety and preserve the health and promote the prosperity, improve the morals, peace, good order, comfort, convenience of the city and the inhabitants thereof, and for the protection of property therein, and to enforce obedience to such ordinances with such fines or penalties as the city council may deem proper, *Provided*, The fine or penalty shall be less than three hundred dollars and the imprisonment shall not exceed six months for such offence. Ordinances and their enforcement.

ARTICLE V.

ACTIONS FOR VIOLATION OF ORDINANCES.

SECTION.

- 1756 Actions to recover fines must be in corporate name.
1757 Moneys collected must be paid into treasury.
1758 Actions for violation of ordinances must refer to section of ordinance.

SECTION.

- 1759 Persons convicted may be put to labor.
1760 Constable or sheriff may serve process or make arrest.

Fines, etc.,
how recovered

§ 1756. s 1. All actions brought to recover any fines or to enforce any penalty under any ordinance of any city, shall be brought in the corporate name of the city as plaintiff, and any prosecution, recovery or acquittal for the violation of any ordinance shall not constitute defence to any other violation of any such ordinance; although the different cause of action at the same time, and which, if united, would not have exceeded the jurisdiction of the court or justice of the peace.

Moneys col-
lected must be
paid into
treasury.

§ 1757. s 2. All fines and forfeitures for the violation of ordinances when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance.

Complaint in
actions for
violation of
ordinances.

§ 1758. s 3. In all actions for the violation of any ordinance, it shall be sufficient if the complaint refer to the title and section of the ordinance under which such action is brought. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court before whom the conviction is had, be committed to the county jail, city prison, work house, house of correction, or other places provided by the city for the incarceration of offenders, until such fine, penalty and costs shall be fully paid.

Convicts may
be put to labor.

§ 1759. s 4. The city council shall have power to provide by ordinance, that every person so committed shall be required to work for the corporation at such labor as his strength will permit, not exceeding ten hours each working day; and for such work the persons so employed to be

allowed one dollar for each day's work, on account of such fine and costs.

§ 1760. s 5. Any constable or sheriff of a county may serve any process or make any arrest authorized to be made by any city officer. ^{Who may serve process or make arrest.}

ARTICLE VI.

OFFICERS, THEIR POWERS AND DUTIES.

SECTION.

1761 Mayor, councilmen, recorder, treasurer, assessor and collector, marshal and justices to be elected.
 1762 Term of office of elective officers.
 1763 Council to appoint certain officers
 1764-1765 Term of office of appointive offices. Officers to qualify.
 1766 How first officers elected shall qualify.

SECTION.

1767 Council may require bonds of officers; bonds where filed.
 1768 Officers to deliver books and effects to successors.
 1769 Qualifications to hold office.
 1770 No officer to be interested in contract, etc., with city.
 1771 Certain officers debarred from holding other offices.
 1772 Compensation of officers.

§ 1761. s 1. There shall be elected in all cities of this Territory, the following officers: In the cities of the first class, a mayor, elected at large, and three councilmen from each municipal ward; in cities of the second class, a mayor, elected at large, and two councilmen from each ward; in cities of the third class, a mayor and seven councilmen elected at large; and in addition, there shall be elected in all of said cities a recorder, treasurer, assessor and collector, marshal, and, in cities of the first and second class, a justice of the peace from each municipal ward; and in cities of the third class, two justices of the peace to be elected at large; *Provided*, That in the case of any incorporated city in which, at the time of the passage of this act, the members of the board of aldermen or council are elected from districts or wards, the provisions of this section shall not apply, nor shall this act, in any manner, interfere with the existing qualifications of the electors or officers or with the manner of selecting the officers. ^{Elective officers.}

§ 1762. s 2. The elective officers of a city shall hold their respective offices for two years and until their successors are elected and qualified. ^{Terms of office}

Council to appoint certain officers.

§ 1763. s 3. There shall be appointed by the council, in cities of the first and second class, a city attorney, surveyor, water master, sexton, supervisor of streets, auditor, and such other officers and agents as may by the city council be deemed necessary or expedient. And the council in cities of the third class, may appoint any of said officers, or such officers and agents as may be deemed necessary.

Term of office of appointive officers.

§ 1764. s 4. The appointive officers of the city shall hold their respective offices for two years, unless sooner removed by the city council.

Officers to qualify.

§ 1765. s 5. Every person elected to an elective, judicial, or administrative office, shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation, that he will support the constitution and laws of the United States, the laws of this Territory and the ordinances of city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and file the same with the city recorder; and every such officer shall, before entering upon the duties of his office, execute a bond with good and sufficient sureties, to be approved by the mayor, payable to the city in such penal sum as may, by resolution or ordinance be directed, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by such officer according to law and the ordinances of said city; *Provided*, That the bond of the mayor shall be approved by the city council; *Provided further*, That the treasurer's bond shall not be fixed at a sum less than the amount of the whole tax for the current year.

How first officers elected shall qualify.

§ 1766. s 6. Whenever the inhabitants of any territory incorporate under the act, the officers first elected shall give bonds as mentioned in the preceding section, in the penal sum of not less than five hundred dollars, such bonds to remain in force until the passage of ordinances or resolutions by the council of such corporation providing for the giving of bonds by said officers.

Official bond and where filed.

§ 1767. s 7. The city council may require bonds of all officers appointed by them; and may at any time require further and additional bonds of all officers, elected and appointed. All bonds given by the officers of any city shall be filed with the recorder, except the bond of the recorder which shall be filed with the treasurer.

§ 1768. s 8. Every officer of the city shall, within five days after notification and request, deliver to his successor in office all properties, books, and effects of every description in his possession belonging to the city or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may be by ordinance prescribed.

Delivery of books, etc., to successors.

§ 1769. s 9. No person shall be eligible to any office who is not a qualified elector of the city, nor shall any person be eligible to any office who is a defaulter to the corporation.

Qualifications to hold office.

§ 1770. s 10. No officer shall be directly or indirectly interested in any contract, work, or business of the city, or the selling of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance. Nor in the purchase of any real estate, or any other property belonging to the corporation or which shall be held for the taxes or assessments, or by virtue of legal process, at the suit of said corporation, mayor or other officer of the city.

No officer to be interested in contract, etc., with city.

§ 1771. s 11. In cities of the first and second class, no mayor, councilman, recorder or treasurer shall hold any other office under the city government during his term of office.

Certain officers debarred from holding other offices.

§ 1772. s 12. The mayor and councilmen of any city shall receive such compensation as the city council may by ordinance direct, but their compensation shall not be changed during their term of office; and all other officers may receive a salary fee, or other compensation to be fixed by ordinance; and after the same has once been fixed, such fees or compensation shall not be increased or diminished to take effect during the term for which any such officer was elected or appointed.

Compensation of mayor and councilmen.

Compensation of other officers.

ARTICLE VII.

CITY RECORDER.

Recorder's
duties.

§ 1773. s 1. The city recorder shall keep his office at the place of meeting of the city council, or some other place convenient thereto, as the council may direct. He shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the city council, whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the city council certified by him, under the corporate seal, shall be evidence in all courts, as if the original were produced. He shall draw, and countersign all orders upon the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose.

Same.

§ 1774. s 2. He shall report to the city council on the first day of February and August of each year, the receipts and disbursements and financial condition of the city, which report shall be published within thirty days thereafter, in a newspaper published within the city, if there be one, and if not, by posting said reports in three public places within the city. He shall make and keep a list of outstanding city bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear. He shall countersign all contracts made in behalf of the city, and every contract made in behalf of the city or to which the city is a party shall be void unless signed by the recorder. He shall keep regular books of account, in which shall be entered, all indebtedness of the city, and shall at all times show the financial condition of the city, the amount of bonds, orders, certificates, or other evidences of indebtedness, which have been redeemed. He shall keep account with all receiving and disbursing officers of the city; and shall examine all reports, books, papers, vouchers and accounts of the city treasurer, and shall perform such other duties as the city council may direct.

ARTICLE VIII.

CITY ATTORNEY.

§ 1775. s 1. The city attorney shall perform all professional services incident to his office, and all such legal duties as may, by ordinance, be required of him; and when requested, shall furnish opinion upon any subject submitted to him by the city council or its committees.

ARTICLE IX.

CITY TREASURER.

§ 1776. s 1. The city treasurer shall receive all moneys belonging to the city, including all taxes, licenses and fines, and keep an accurate and detailed account thereof, in such a manner as provided in this act, or as the city council from time to time by ordinance direct. He shall make a settlement with the recorder at the end of every month, and turn over all warrants, interest, coupons, bonds or other evidence of the indebtedness of the city, which may have been redeemed by him during the month, taking the receipts of the recorder therefor, and all such warrants, orders, or other evidence of indebtedness shall be canceled by him and have written or stamped thereon the date of their payment or redemption.

§ 1777. s 2. He shall pay no money out except upon the warrant of the recorder, except bonds and interest coupons, which when due may be paid upon presentation, or in case the same is payable at some other place then the money for their redemption shall be sent to the place where they are payable in time to meet such payment when due.

§ 1778. s 3. All warrants shall be paid in the order in which they shall be presented and the treasurer shall note upon the back of each warrant presented to him, the date of such presentation, and when payment is made, the date of

such payment; *Provided*, That any warrant shall be paid by the treasurer in case a sufficient amount of money shall remain in the treasury to pay all warrants issued previous to such warrant.

Same.

§ 1779. s 4. The treasurer shall give every person paying money to the city treasury a receipt therefor, specifying the date of payment and upon what account paid; and he shall also file the duplicate of such receipt with the recorder at the date of his monthly report.

Same.

§ 1780. s 5. The treasurer shall keep all moneys in his hands belonging to the city, separate and distinct from his own moneys, and he is hereby expressly prohibited from using either directly or indirectly the corporation money or warrants in his custody, and keeping for his own use and benefit, or that of any other person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from his office by the mayor and city council, and upon conviction, they are hereby authorized to declare such office vacant, and the city council shall appoint a successor for the term unexpired of the officer so removed.

Same.

§ 1781. s 6. The treasurer shall report to the city council at such times as may be prescribed by ordinance giving a full and detailed account of all receipts and expenditures since his last report, and the state of the treasury. He shall also keep a registry of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and the person to whom paid, specifying also the time of payment. And all such warrants shall be examined by the city council at the time of making such report.

Same.

§ 1782. s 7. All moneys on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever.

§ 1783. s 8. The treasurer shall perform such other duties as may be prescribed by ordinance.

ARTICLE X.

COLLECTION OF TAXES AND DUTIES OF ASSESSOR AND
COLLECTOR.

SECTION	SECTION.
1784 Assessment; taxes; lien of taxes; redemption; deeds; their effect.	1787 Additional powers of board.
1785 Assessment roll to be returned by first Monday in June.	1788 Collector to be furnished tax list; taxes when due and delinquent.
1786 Council constitute board of equalization; powers of.	1789 Council may prescribe further regulations.

§ 1784. s 1. The city council shall have power and it shall be their duty to regulate by ordinance the form of assessment rolls, and prescribe the duties and define the powers of assessors and collectors, and to provide by ordinance for the assessment, levy and collection of all city taxes general or special, which shall conform as nearly as the circumstances of the case may permit, to the provisions of the laws of this Territory in relation to the assessment, levy and collection of Territorial and county taxes, except as to the officers by whom such duties are to be performed. And the officers of said city engaged in the assessing and collection of said taxes shall exercise all the powers conferred upon county assessors and collectors. All taxes assessed together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the 31st day of October in each year; which lien may be enforced by a summary sale of such property and all necessary certificates and deeds may be executed and delivered for the transfer of such property; *Provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for Territorial or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this act shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds

Form of assessment rolls; collection of taxes, etc.

Taxes and costs constitute a lien on property assessed which may be enforced by sale.

Subject to redemption.

Deeds, effect of.

of property sold for non-payment of Territorial or county taxes.

When assess-
ment roll to
be returned.

§ 1785. s 2. The city assessor and collector shall complete the assessment of the city and return his roll to the council on or before the first Monday of June of each year. On the return thereof, the city council shall fix a day for hearing objections thereto.

Council a
board of
equalization.

§ 1786. s 3. The city council shall constitute a board of equalization, and shall meet at the time fixed as aforesaid, and may meet and adjourn from day to day until its work is completed. Said board shall equalize and correct said assessment roll, and may change the valuation of assessment of any real or personal property, by increasing or diminishing the assessed valuation thereof, as shall be reasonable and just, to render taxation uniform. Such board shall proceed as near as may be in the same manner provided by law for the regulation of county board of equalization. During the session of said board, any person, or his agent, may apply to the board for a correction of any alleged errors in the listing or valuation of his property.

Powers of.

Same.

§ 1787. s 4. Said board of equalization is hereby authorized to administer oaths in the discharge of official duties and it may require property owners to give a statement to it of their taxable property and its value under oath, and it may summon such other persons to appear and testify before it as it may deem necessary to carry out the provisions of this act.

Collector to be
furnished tax-
list.

§ 1788. s 5. The assessor and collector shall be furnished within twenty days after the assessment rolls are corrected by the board, with a list of the taxes to be collected. Said taxes shall be due on the first day of September, and delinquent on and after the thirty-first day of October of each year, and said assessor and collector shall proceed to collect said taxes in the manner provided for the collection of Territorial and county taxes. The said rolls shall in all cases be evidence on the part of the corporation.

Taxes when
due and
delinquent.

How col-
lected.

The council
may prescribe
further regu-
lations.

§ 1789. s 6. The city council may prescribe further and other duties and regulations to govern the assessor and collector, and provide by ordinance for the assessment and collection of taxes.

ARTICLE XI.

JUDICIAL POWER.

SECTION.

1790 Judicial power vested in a justice of the peace; jurisdiction of; rules of practice; appeals.

SECTION.

1791 Place of holding court.

§ 1790. s 1. The judicial power of the city shall be vested in the justices of the peace of such city. Said justices shall have exclusive original jurisdiction of cases arising under, or by reason of the violation of any ordinance or by-law of said city, and shall have the same jurisdiction as other justices of the peace in cases arising under the laws of the Territory. The rules of practice and mode of proceeding in said justices' court shall be the same as are or may be prescribed by law for justices' courts in like cases. From all final judgments of said justices' courts, whether civil or for violation of any ordinance of said city, an appeal shall be allowed to either party against whom the judgment is rendered, to the district or other appellate court provided by law, in the same manner and upon the same terms as provided by law for appeals from justices' courts in similar cases.

§ 1791. s 2. Nothing in this act shall be construed to require any of such justices to confine his place of holding his court or hearing or determining causes triable before such justice to the municipal ward from which he is or may be elected.

ARTICLE XII.

§ 1792. s 1. The city surveyor shall perform all such duties as may by ordinance be required.

ARTICLE XIII.

DUTIES OF MARSHAL AND POLICE.

SECTION.

1793 Marshal's duties defined.
1794 Warrants how directed.

SECTION.

1795-1796 Police officers, powers and
duties of.

Marshal's
duties.

§ 1793. s 1. The marshal shall be ex-officio chief of police. He shall under the direction of the council direct and control the police of the city and whenever the interests of the city demand, by and with consent of the mayor appoint such number of special police as may be required. He shall attend the sitting of the city council and perform such duties as may by ordinance, be prescribed. He shall have in the discharge of his duties, like powers, and be subject to like responsibility as sheriffs and constables in similar cases; and he shall, by himself or deputy execute and return all processes directed to him, suppress riots, disturbances, breaches of the peace, apprehend all persons committing any offence against the laws of the Territory or the ordinances of the city. And at all times he shall diligently and faithfully discharge his duties and enforce all ordinances and regulations of the city for the preservation of peace and good order and the protection of the rights and property of all persons.

Warrants,
how directed.

§ 1794. s 2. All warrants issued by the city justice for the violation of any general law of this Territory or ordinance of this city shall run to the sheriff or any constable of the county, or to the marshal or any policemen of the city.

Police officers,
powers and
duties.

§ 1795. s 3. All police officers of any city shall possess the powers of constable by the laws of this Territory; and any warrant for search or arrest issued by any justice of the peace of this Territory may be executed in any part thereof by any police officer. They shall execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justices of the peace. It shall be the duty of the police force in any city at all times to preserve the

public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads and highways, enforce every law relating to the suppression of all offences, and perform all duties enjoined upon them by ordinance of the city council.

§ 1796. s 4. The several members of the police force ^{Same.} shall have power and authority without process, to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of such member, or within his view any breach of the peace or any offence directly prohibited by the laws of this Territory or by any ordinance of this city.

ARTICLE XIV.

FINANCES.

SECTION.

1797 Fiscal year begins when.

SECTION.

1798 Taxes to be levied when; amount and for what purposes.

§ 1797. s 1. The fiscal year of each city organized ^{Fiscal year.} under this act shall commence on the first day of February of each year.

§ 1798. s 2. At the regular meeting of the city council ^{Taxes to be levied, when.} in the month of June of each year, said council shall by ordinance or resolution levy on the assessed value of all real and personal property within the city made taxable by the laws of the Territory.

1. Not to exceed five mills on the dollar to defray the ^{Amount and purpose.} contingent expenses of the city.

2. And said council shall have power to annually levy ^{Same.} and collect, at such times as they may determine by ordinance or resolution on all of said taxable property, not to exceed ten mills on the dollar, to purchase water sources, streams and land upon which said streams are appropriated, canals, construct water-works and supply water for irrigation and other purposes; *Provided*, An acreage tax may be assessed in lieu of said tax whenever the council may deem said tax just.

- Same. 3. Not to exceed five mills on the dollar to open improve and keep in repair the streets and sidewalks of the city.
- Same. 4. Not to exceed five mills on the dollar to construct and keep in repair sewers and drains.
- Same. 5. And to levy and collect local assessments, as herein provided to construct and keep in repair sidewalks, sewers, drains and streets, and supply the city or inhabitants thereof, with water and with gas and other means of illumination.

ARTICLE XV.

LOCAL ASSESSMENTS.

SECTION.

1799 The council to divide city into districts for sewerage, paving, etc., purposes, and provide system for doing work on streets; may collect local taxes; local assessments for certain purposes where levied.

SECTION.

1800 Council to give notice before levying; local assessments a lien, how collected.

The council to divide city into districts for sewerage, paving, etc., purposes, and provide system for doing work on streets.

§ 1799. s 1. The city council are authorized and empowered to divide the city into districts for sewerage, paving, or other like purposes, and to provide by ordinance a system of doing any or all work in and upon streets, highways, sidewalks, and other public places of such city, or for making therein street improvements and repairs and for constructing sewers, drains, water works, and laying of pipes and mains for water and gas, and for the payment of the costs and expenses thereof, said council shall have power by ordinance to determine the form and mode of local assessments, and levy and collect local taxes, in proportion to benefits, upon the property within said districts or may levy and collect such annual general tax, if such there be, for the particular work to be carried on, as provided in subdivisions 2, 3 and 4, of section 2, Article 14 of this act, or may draw upon the contingent or general fund of the city, provided for in subdivision 1, of section 2, Article 14 of this act, or may use either or all of said taxes, when such use would be just. Local taxes levied for the purpose of paying the costs of construct-

May collect local taxes.

ing sewers or drains within the city, may be levied upon the real estate lying and being within the sewerage district in which such sewer or drain may be situated to the extent of benefits to such property by reason of such improvements, the benefits to such property to be determined by said council sitting as a board of equalization after notice given as herein-after provided, or according to the front foot of the lots or real estate within such district, or according to such other rule as the council may adopt for the contribution or adjustment of such costs.

§ 1800. s 2. Local taxes levied for the purpose of grading, widening, opening, extending, paving or repairing in any manner, streets or sidewalks, or for the laying of water or gas pipes, shall be levied upon the lots or pieces of ground adjacent to or abutting upon said street or sidewalks, or in such other manner as the council sitting as a board of equalization may determine to be just. *Provided*, That this provision shall not apply to ordinary repairs of streets or sidewalks, and one half of the expense of bringing streets, alleys or sidewalks to the established grade shall be paid out of the street or contingent fund; *Provided further*, That in all cases where the expense of any of said improvements mentioned in this section is to be defrayed, either in whole or in part by local assessment; the council shall give notice of such intention, which notice shall be published at least twenty days in a newspaper published within such city. Such notice shall describe the improvements so proposed, the boundaries of the district to be affected, or benefitted by such improvement, the estimated cost of such improvement and designate the time set for such hearing. If at or before the time so fixed written objections to such improvements, signed by the owners of one-half in value of the property so to be effected or benefitted, as shown by the last preceding city assessment roll, be not filed with the recorder, the council shall be deemed to have acquired jurisdiction to order the making of such improvements. Any such special assessment made and levied to defray the cost and expenses of any such work, and the costs of collection shall constitute a lien upon and against the property upon which such is made and levied, from and after the date of the order for such assessment, and said assessment shall be collected in like manner as other city taxes.

Local assessments for certain purposes, where levied.

Council to give notice before levying.

Local assessment a lien, how collected.

ARTICLE XVI.

ELECTIONS.

SECTION.	SECTION.
1801 Elections, when held; officers, when to enter upon their duties.	1802 How elections conducted; who entitled to vote.

Elections, when held.

Officers, when to enter upon the duties of their offices.

Elections, how conducted.

Who entitled to vote.

§ 1801. s 1. The election in all cities hereafter organized under this act for the municipal officers provided for in section 1, Article 6 of this act, shall be held on the second Monday in February, 1889, and biennially thereafter, and upon the election and qualification of said officers, they shall immediately enter upon the duties of their respective offices; and all offices in cities or towns incorporating under this act, upon the election and qualification of said officers, are hereby declared vacant and abolished.

§ 1802. s 2 All elections held in cities organized under this act, shall be conducted in accordance with the general election law of the Territory, so far as the same may be applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, duly registered and shall have resided in such city for at least six months next preceding such election; and every legal qualified voter residing within the limits of said city shall be entitled to vote at the polls, within the ward where he resides.

ARTICLE XVII.

HOW CORPORATE LIMITS MAY BE EXTENDED.

SECTION.

1803 How corporate boundaries of cities now existing may be extended when they incorporate under this act.

SECTION.

1804 How the boundaries of any municipal corporation may be extended.

1805 The mayor to file maps showing corporate boundaries before and after change.

§ 1803. s 1. Any city now existing in this Territory that shall become incorporated under this act may extend its corporate limits in the manner hereinafter provided.

How corporate boundaries of cities now existing may be extended.

§ 1804. s 2. The boundaries of any municipal corporation may be altered and new territory included therein after proceedings had as required in this section. The council of such coporation shall upon receiving a petition therefor, signed by not less than two-fifths of the property owners thereof, submit to the electors of such corporation, and of the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory shall be annexed to such corporation, and become a part thereof. Such question shall be submitted at the next general municipal election, and such council shall give notice thereof by publication in a newspaper published in such corporation, for a period of four weeks prior to such election; but if no newspaper be published therein, then by posting notices for at least four weeks in at least four public places within said city, and four public places in said territory proposed to be annexed. Such notices shall distinctly state the proposition to be so submitted, and shall designate, specifically, the boundaries of the territory so proposed to be annexed. And the electors shall be notified thereby to vote upon such proposition by placing upon their ballots the words "for annexation" or "against annexation." Such city council shall also designate the place or places at which the poll will be opened in such territory so proposed to be annexed, which place or places shall be that or those used for general election purposes within such territory, if such there be. The election

Procedure.

shall be conducted, the votes canvassed, and returns made in the manner prescribed by law. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall show upon such canvass that the majority of all the votes cast in such territory, and a majority of the votes cast in such corporation, shall be for annexation, such council shall order to be entered upon their minutes, and make a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory and the number voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. It shall be the duty of the person or persons to whom returns of said election are made to file with the secretary of the Territory, the information contained in said certificate. From and after the day of the filing of such abstract, such annexation shall be deemed complete and thereafter such territory shall be and remain a part of such corporation.

Mayor to file
map showing
corporate
boundaries
before and
after change.

§ 1805. s 3. The mayor of any city incorporated under this act shall cause to be filed in the office of the county recorder in the county wherein said city is located, a plat showing the corporate limits and boundaries of his city at the time of its corporation under this act; and any change in said city limits made subsequent to its corporation under this act.

ARTICLE XVIII.

RESTRICTION OF CORPORATE LIMITS.

SECTION.

1806 How corporate limits of existing cities may be restricted.

1807 What notices must state.

SECTION.

1808 Mayor to file map showing corporate boundaries and give notice of change; change when deemed complete.

§ 1806. s 1. Any city now existing in this Territory may restrict its corporate limits in the following manner: On petition in writing, signed by not less than three-fourths of the electors residing within the Territory desired to be detached, and not less than one-fourth of the remaining electors in said city to the city council thereof, it shall be the duty of said council to submit the question to the electors of such city at the next municipal election, and to give notice in the same manner and for the same time as provided in section 2, Article 17 of this act; *Provided*, That no territory shall be detached, nor shall any election be ordered when such territory does not lie upon the border of said city limits, or is laid out into city lots or blocks.

How corporate limits of existing cities may be restricted.

§ 1807. s 2. Such notice shall distinctly state the proposition to be submitted, and shall designate specifically the boundaries of the territory proposed to be detached, and the electors shall be notified to vote upon such question by placing upon ballots the words "for detachment" or "against detachment." If a majority of all the votes cast in said city shall be "for detachment" the city council shall cause to be entered upon their minutes a true copy of the returns of said election, showing the number of votes cast for and against the question.

Notices must state what.

§ 1808. s 3. It shall be the duty of the mayor of said city to have recorded in the county records, an accurate map of the territory so detached, and the city as restricted in its limits, and he shall also make publication at least four times in some newspaper having general circulation in the county of the result of such election, and designate the territory so detached. Upon making the proper entries and filing with

Mayor to file map showing corporate boundaries and give notice of change.

Change when
deemed com-
plete.

the recorder the affidavit of publication, the detachment of such territory shall be deemed complete, and said territory shall be no longer subject to the jurisdiction of said city.

ARTICLE XIX.

HOW CITIES MAY DISINCORPORATE.

SECTION.

1809 How cities may disincorporate.
1810 Three-fourths vote necessary.
1811 Retiring officers to deposit books
etc. with county treasurer;
property to revert to county.

SECTION.

1812 Mayor to record proofs of disincorporation and publish notice thereof.

How cities
may disincor-
porate

§ 1809. s 1. On petition in writing signed by not less than one-half of the electors of any city, as [shown by the registration list of the preceding]year to the city council of any city, praying for the disincorporation of said city, it shall be the duty of said council to submit such question to the electors of said city at the next general municipal election, and to give notice thereof by publication in a newspaper published in said city at least once a week for a period of four successive weeks prior to such election, or if no paper be published therein, then by posting notices for at least four weeks prior to said election, in eight or more public places in said city; *Provided*, That the question of disincorporating the city, shall not be submitted at any election unless the obligations and liabilities of such city have been fully met and provided for. Such notices shall distinctly state the proposition to be voted for, the time and place of the election, and the electors shall be notified thereby to vote upon such proposition by placing upon their ballots the words "for disincorporation" or "against disincorporation." The election shall be conducted, the votes canvassed, and the returns made in the same manner as provided by law.

Three-fourths
vote necessary
to disincor-
porate.

§ 1810. s 2. If three-fourths of the votes cast at such election shall be "for disincorporation" the corporate existence of such city shall be ended, and the officers elected shall not qualify, and the terms of incumbent officers shall be deemed to have expired.

§ 1811. s 3. The retiring officers of such disincorporated city shall deposit with the treasurer of the county in which said city is situated, all the records, books, maps, and other personal property belonging to said city, and all moneys, accounts, notes and other property, both real and personal, belonging thereto, shall revert to and rest in said county; and said county is hereby empowered to sue in its own name for the collection of all accounts and the enforcement of any claim of said city, and to use the property so vesting as all other property belonging to said county.

Retiring officers to deposit books, etc., with county treasurer.

Property to revert to county.

§ 1812. s 4. Whenever any city is disincorporated as herein provided, it shall be the duty of the retiring mayor of such city to have recorded a copy of said petition, the order of the city council in submitting the proposition to the electors, a certified copy of said notices and the number of votes cast for and against disincorporation by the county recorder of the county in which such city is situated, and he shall further make publication of such disincorporation by publishing for at least four successive weeks in some newspaper having general circulation within the Territory.

Mayor to record proofs of disincorporation.

And publish notice thereof.

ARTICLE XX.

MISCELLANEOUS.

SECTION.

1813 Council shall provide the manner of exercising powers when the manner is not herein provided.
1814 Council may define further duties of officers.

SECTION.

1815 Council may pass ordinances to carry into effect granted powers
1816 Fines and forfeitures to be paid into city treasury.
1817 Parts of this act apply to cities now incorporated.
1818 Act takes effect when.

§ 1813. s 1. When by this act the power is conferred upon the city council to do and perform any act or thing, and the manner of exercising the same is not specifically pointed out, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.

Council shall provide manner of exercising powers when manner is not herein provided.

§ 1814. s 2. The duties, powers and privileges of all officers in any way connected with the city government not herein defined, and the defining by this act of the duties of

Council may define further duties of officers.

city officers, shall not preclude the city council from defining by ordinance further and additional duties to be performed by any such officer.

Council may pass ordinances to carry into effect granted powers

§ 1815. s 3. The city council may pass all ordinances necessary to carry into effect any of the powers herein granted, and may prescribe punishments for any violation of the same; *Provided*, That such punishments be by fine in any sum less than three hundred dollars or by imprisonment not exceeding six months, or both.

Fines and forfeitures to be paid into city treasury.

§ 1816. s 4. All fines, penalties and forfeitures collected for offences against the ordinances of the city shall be paid into the city treasury.

What parts of this act apply to cities now incorporated.

§ 1817. s 5. Article 4, section 3 of Article 5, sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, and 12 of Article 6, section 4 of Article 10, Article 11, subdivisions 2, 3, 4 and 5 of section 2 of Article 14, Article 15, Articles 17, 18, 19, and sections 1, 2 and 3 of Article 20, of this act, are hereby made applicable to all incorporated cities now organized in this Territory and shall be construed to be cumulative and supplemental to the charters of said cities.

When act takes effect.

§ 1818. s 6. This act shall take effect from and after its passage and approval.

[Approved, March 8, 1888.]

CHAPTER XII.

FOR ORGANIZATION OF TOWNS.

SECTION.

- 1819 When and how a town may incorporate.
 1820 Board of trustees provided for.
 1821 Board must be commissioned by the Governor.
 1822 Elections, when held.

SECTION.

- 1823 Duties of election clerks.
 1824-1825 Powers of board of trustees
 1826 Duties of clerk.
 1827 Powers of marshal.
 1828 Act, when to take effect.

§ 1819. s 1. A majority of the taxpayers of any town March 13, 1884.
 having a population of not less than three hundred desiring When and how a town may incorporate.
 to incorporate, may, on petition to the county court of the
 county in which said town is situated, said petition to set
 forth the section, township, entry and boundary lines thereof,
 which, being approved by said court, and a copy thereof filed
 in the office of the county recorder, and on compliance with
 the provisions of this act, be, and are hereby constituted a
 body corporate and politic under the name and style of said
 town, and each may have and use a common seal, which they
 may change and alter at pleasure.

§ 1820. s 2. There shall be a board of trustees in said Board of trustees provided for, etc.
 town, to consist of a president and four trustees, who shall
 have qualifications of electors of said town, and shall be
 chosen by the qualified voters thereof, and shall hold their
 office for two years, and until their successors shall be elected
 and qualified. The board of trustees shall judge of the quali-
 fications, election and return of their own members; and a
 majority of them shall form a quorum to do business at all
 special or general meetings, due notice of which has been
 given, and the president shall preside at all meetings when
 present, and have the casting vote. When the president is
 absent, one of the trustees may be appointed by the board to
 act in his place during his absence; and any vacancy in any
 of the offices of such corporation, occasioned by death, resig-
 nation, removal or otherwise, may be filled for the unexpired
 term of such office by a majority vote of the whole board.

§ 1821. s 3. The president and trustees in each town, Board must be commissioned by Governor.
 before entering upon their duties of their office, shall be com-

missioned by the Governor, and shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and ability, which oath shall be filed with the secretary of the Territory.

Elections,
when held.

§ 1822. s 4. One president and four trustees shall be elected biennially in each town at the time specified by law, for the election of county and Territorial officers; said election shall be held and conducted in the manner as provided by law for holding elections, and at the first election all voters legally qualified shall be entitled to vote.

Duties of
election clerks

§ 1823. s 5. The clerks of election, in each town, shall leave with each person elected, or at his usual place of residence, within five days after election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the clerk, whose appointment is hereinafter provided for, and be by him preserved, and all subsequent elections shall be held, conducted, and returns thereof be made, as may be provided for by ordinance of the board of trustees.

Powers of
board of
trustees.

§ 1824. s 6. The board of trustees, in each town, shall have the following powers, to-wit:

1. To purchase, hold, or convey all necessary estate, real or personal, for the use and benefit of the corporation.

2. To prevent, abate, and remove nuisances, and adopt such other measures for the public health as they may deem proper.

3. To purchase, hold, own, and lay out grave-yards or cemeteries, and regulate the burial of the dead.

4. To restrain from running at large, horses, cattle, sheep, goats, swine and all kinds of poultry, in such towns, under such penalties and regulations as may be prescribed by the ordinances of such towns.

5. To provide for the protection of shade trees, monuments, and other public property in such town.

6. To license, tax and regulate the manufacturing, vending, or giving away of spirituous, vinous or fermented liquors, and to license and regulate hotel and tavern keepers, eating houses and restaurants, merchants, grocers and peddlers.

7. To license all exhibitions of showmen, concerts, theatricals, circuses, or other traveling shows, public dances or amusements, or to suppress any of the foregoing which are indecent.

8. To restrain and punish vagrants, prostitutes and libertines.

9. To appoint policemen, and watchmen, and prescribe their duties, powers, and qualifications.

10. To prohibit and suppress disorderly, lewd, or gambling houses, and all devices for gambling, and to suppress any drunkenness, rout, riot, noise, disturbance, or disorderly assemblage.

11. To levy and collect an annual tax for general corporation purposes on all such property as shall be subject to county and Territorial taxes, and such tax shall, when so levied, constitute a lien on all such property, and shall be collected as county and Territorial taxes are collected; *Provided*, All taxes for such purposes in any one year, shall not exceed one-fourth of one per cent. on the assessed valuation of the property so assessed, unless two-thirds of the electors voting at a special meeting called for that purpose, shall vote a larger per cent. to be levied; but in no case shall said tax exceed, nor electors be allowed to levy more than one-half of one per cent. of the assessed valuation aforesaid in one year.

12. To lay out, construct, open, grade, pave, and otherwise improve streets, lanes, alleys, sidewalks, or cross walks, and to prohibit the encumbering of sidewalks with any material whatever, and riding or driving thereon, except to cross the same.

13. To lay out, construct, open, and keep in repair, canals, water ditches, or water pipes for irrigation, domestic or other use for the inhabitants of such town.

14. To direct in the prosecution and defense of actions at law in which such towns may be a party, and may sue and be sued in their corporate names.

15. To fix and establish the compensation of the officers made elective or appointed by the board.

16. To prevent horse racing and immoderate driving or riding in the streets of said town.

17. To prevent the running at large of dogs, by imposing a tax on the same, or otherwise, or to authorize their

destruction, in a summary manner, when running at large contrary to ordinance of such town.

18. To make, ordain, pass, establish and enforce such ordinances and regulations, not repugnant to the Constitution of the United States, or the laws of this Territory, for the purpose of carrying into effect the provisions of this act, as they deem proper; and to repeal, alter or amend the same, at pleasure; but no such ordinance or regulations shall take effect or be enforced until the same shall have been published ten days in some newspaper having a general circulation in such town, or by notice posted in not less than three public places therein.

19. To appoint a clerk, a marshal, and such other officers as may be necessary for the good order and well being of such town; define their duties, remove them from office at pleasure, and require to take and subscribe an oath and give such bonds as shall be provided by ordinance, which oath and bond shall be filed with the board of trustees.

Powers of
board of
trustees.

§ 1825. s 7. The board of trustees of each town may ordain and provide such reasonable fines, forfeitures and penalties as they may deem proper, in any sum less than that prescribed for like crimes in the laws of the Territory, to be prosecuted before any justice of the peace in the county, in the name of the corporation, and all expenses incurred in the unsuccessful prosecution for the recovery of any fine, or penalty, or forfeiture, shall be paid by the corporation, and all fines, forfeitures and penalties, when collected, shall be paid to the corporation, as may be provided by ordinance; *Provided*, The justice's court shall be held always within the corporate limits; when any other than a justice residing in said town is called to try any case, he shall be required to hold court in said town.

Duties of the
clerk.

§ 1826. s 8. The clerk of the board of trustees in each town shall have the custody of and safely keep the corporate seal, records, books and papers thereof, intrusted to him by the board, and attend all meetings of the trustees and record all their proceedings, and he shall audit all accounts allowed by such board of trustees, and perform such other duties as may be required of him.

Powers of the
marshal, etc.

§ 1827. s 9. The marshal of each town shall possess the same powers, be subject to like liabilities, and exercise the same privileges as are possessed and conferred by law

upon constables, to execute such legal orders as may be required of him, and to assess and collect all taxes levied by the trustees of such town, in the same manner as county and Territorial taxes are collected, so far as consistent with the provisions of this act, and perform such other lawful duties as may be required by the board of trustees.

§ 1828. s 10. This act shall be in force on and after the first day of April, A. D. 1884, (and may be amended or repealed at the pleasure of the Legislative Assembly.)

PART THIRD.

PUBLIC INSTITUTIONS AND CONCERNS.

CHAPTER I.

UNIVERSITY.

SECTION.	SECTION.
1829 Incorporating the University of the State of Deseret.	1836 Treasurer to take official oath and file bonds.
1830 Government vested in chancellor and board of regents.	1837 Vancancies how filled.
1831 Chancellor chief executive officer.	1838 Officers of the university to open books for subscription.
1832 Powers and duties of chancellor and board of regents.	1839 Regents to have a seal.
1833 Secretary how appointed and duties.	1840 When funds sufficient, free instruction for certain persons to be provided.
1834 Chancellor, regents and secretary to take official oath and file bonds.	1841 Secretary and treasurer to report to auditor of public accounts.
1835 Treasurer to be elected at same time and manner as chancellor and regents; duties of treasurer.	1842 Commissioner to locate university lands.
	1843 Duty of commissioners.
	1844 Compensation of commissioners.

§ 1829. ⁽⁵⁷³⁾ A university is hereby instituted and incorporated, located at Salt Lake city, by the name and title of the University of the State of Deseret.

§ 1830. ⁽⁵⁷⁴⁾ The powers of the university shall be vested in a chancellor and twelve regents, the number of which regents may be increased when necessary, who shall be chosen by the joint vote of both houses of the General Assembly, and shall hold their office for the term of one year, and until their successors are qualified.

Incorporating the University of the State of Deseret
Feb. 28, 1850.

Government vested in chancellor and board of regents.
Feb. 28, 1850.

§ 1831. ⁽⁵⁷⁵⁾ The chancellor shall be the chief executive officer of the university, and chairman of the board of regents.

Chancellor
chief executive officer.
Feb. 28, 1850.

§ 1832. ⁽⁵⁷⁶⁾ The chancellor and board of regents are a body corporate, to sue and be sued; to act as trustees of the university; to transact or cause to be transacted all business needful to the prosperity of the university in advancing all useful and fine arts and sciences; to select and procure lands; erect and purchase buildings; solicit donations; send agents abroad; receive subscriptions; purchase books, maps, charts and all apparatus necessary for the most liberal endowment of any library and scientific institution; employ professors and teachers; make by-laws; and may provide therein for conferring degrees and issuing diplomas; establish branches of the university throughout the State; and do all other things that fathers and guardians of the institution ought to do.

Powers and
duties of chan-
cellor and
board of re-
gents.
Feb. 28, 1850.
March 13, 1884.

§ 1833. ⁽⁵⁷⁷⁾ The chancellor and regents may appoint a secretary, and define his duties.

Secretary how
appointed and
duties.
Feb. 28, 1850.

§ 1834. ⁽⁵⁷⁸⁾ The chancellor, regents and secretary, before entering upon the duties of their respective offices, shall each take an oath of office, and file a bond in the office of the auditor of public accounts, with approved securities, in a sum not less than one thousand dollars, conditioned for the faithful performance of their several duties; which sum may be increased at the discretion of the executive of the State.

Chancellor, re-
gents and sec-
retary to take
official oath
and file bonds.
Feb. 28, 1850.
March 11, 1886.

§ 1835. ⁽⁵⁷⁹⁾ There shall be a treasurer of the university elected in the same manner and for the same time as the chancellor and regents, whose duty it shall be to receive and safely keep the funds of the university or dispose of the same as he shall be directed by the board of regents; and keep accurate records of all funds that may come into his possession; and keep his books open at all times for the inspection of the chancellor and regents, or any of them, and of the executive and secretary of State.

Treasurer to
be elected at
the same time
and manner as
chancellor and
regents.
Duties of
treasurer.
Feb. 28 1850.

§ 1836. ⁽⁵⁸⁰⁾ The treasurer, before entering upon the duties of his office, shall take an oath of office and file a bond, with approved security, in the office of the auditor of public accounts, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, which sum may be increased at the discretion of the executive of the State.

Treasurer to
take official
oath and file
bonds.
Feb. 28, 1850
March 11, 1886.

Vacancies how filled.

Feb. 28, 1850.

§ 1837. ⁽⁵⁸¹⁾ Should a vacancy occur in the board of regents or any office in the institution, during the recess of the General Assembly, the executive of the State may fill such vacancy.

Officers of the university to open books for subscription, etc.

Feb. 28, 1850

§ 1838. ⁽⁵⁸²⁾ It shall be the duty of the officers of the university to prepare and open books, and be ready to receive subscriptions, donations and appropriations, on or before the sixth day of April next; and shall legibly enter upon their books all subscriptions and donations to the university, with the names of the donors, time and place, and preserve the same.

Regents to have seal.

Feb. 28, 1850.

§ 1839. ⁽⁵⁸³⁾ The board of regents shall have a seal known as the seal of the university, which may accompany all their official correspondence, and all other legal documents given under the hands of the regency of the university.

When funds sufficient, free instruction for certain persons to be provided.

Feb. 28, 1850.

§ 1840. ⁽⁵⁸⁴⁾ It shall be the duty of the chancellor and board of regents, as soon as the funds arising from donations or otherwise may justify, to establish a free school institution for the benefit of orphans and other indigent worthy persons.

Secretary and treasurer to report to auditor of public accounts.

Feb. 28, 1850.

§ 1841. ⁽⁵⁸⁵⁾ The secretary and treasurer shall each present a full and explicit report in writing of the situation, funds and doings of the university in their several departments, by the fifteenth of October in each year, to the auditor of public accounts.

Election of board of commissioners provided for.

Jan. 21, 1859.

§ 1842. ⁽⁵⁸⁶⁾ There shall be elected by the qualified electors, at the next general election to be held on the first Monday of August, 1859, and annually thereafter at each subsequent said general election, a board of commissioners, to consist of three men, to select and locate, from time to time, as in their judgment they may deem best, a quantity of land equal to two townships, in accordance with the provisions of the third section of an act of Congress entitled "An act to establish the office of surveyor general of Utah, and to grant land for school and university purposes," approved, Feb. 21, 1855.

Duty of commissioners.

Jan. 21, 1859.

§ 1843. ⁽⁵⁸⁷⁾ Said commissioners, after being duly sworn faithfully to discharge their duties, shall proceed, as soon as practicable after the land shall have been surveyed, to select and locate such lands in such manner as they shall deem proper, or as the Legislative Assembly may direct; and they shall, from time to time, inform the surveyor general of the precise tract or tracts so selected or located, or, should the surveyor general's office be closed, they shall in like manner

inform the register of the land office in the district where said tract or tracts are selected or located by them; and shall annually report and present a schedule of the sections or tracts of lands selected by them and approved by the surveyor general, or by a register or registers of public lands, as the case may be, to the Legislative Assembly.

§ 1844. ⁽⁵⁸⁸⁾ Said commissioners shall receive, out of the Territorial treasury, out of any money not otherwise appropriated, such compensation as may be allowed by the Legislative Assembly, and shall keep a suitable book, in which they shall enter and record the numbers of the sections, or the part or parts thereof, so located by them; and shall transmit to their successors in office all books and papers appertaining to the location of said lands.

Compensation
of commis-
sioners.
Jan. 21, 1859.

FREE INSTRUCTION OF NORMAL PUPILS.

SECTION.

1845 Appropriation to University;

with provisions for free in-
struction of pupils in normal
department; how such pupils

SECTION.

1845 Continued.

to be selected and their obliga-
tion.
1846 Repeal.

§ 1845. s 1. The sum of ten thousand dollars is hereby appropriated annually to the University of Deseret to be drawn by, and expended under the direction of the chancellor and board of regents; *Provided*, That fifty pupils shall be selected annually subject to the provisions of this section to be instructed free of charge for two years in the normal department of said university. Said pupils shall be selected by the commissioner of schools, from persons nominated by the board of examination of the several counties according to the district school population thereof, and his certificate shall entitle the holder to all the benefits of this provision; *Provided further*, that notification of such apportionment of pupils shall be given by the commissioner of schools to each board of examination, or to the superintendent of district schools of each county, on or before the first day of July of each year; in case such nominations are not made and reported to said commissioner by the board of examination of any county before the first day of September of each year,

March 3, 1888.
Appropriation
to university.

Fifty pupils to
be annually
selected to be
instructed free
for two years.

How selected;
obligation to
be signed by
pupils selected

said county shall forfeit its privileges under this section. Each pupil so selected shall sign an obligation to the commissioner of schools conditioned, that for such free tuition, he will serve a period as district teacher in this Territory, equal to that during which he received such free tuition: *Provided*, That in case he refuses so to teach, he will refund to said university a sum equal to the tuition fees regularly charged for any pupil in the normal department of the university during the time of his attendance thereat.

Repeal.

§ 1846. s 2. That section 20 of "An act providing for the establishment and support of district schools and for other purposes," approved Feb. 20, 1880, is hereby repealed.

INSTITUTE FOR DEAF MUTES.

SECTION.

1847 Deaf Mutes' Branch Institute, established.
1848 Object of institute.

SECTION.

1849 Mechanical department.
1850 Suitable buildings to be erected.
1851 Appropriation.

March 8, 1888.
Deaf mutes' branch institute, established.

§ 1847. s 1. The chancellor and board of regents of the University of Deseret, shall establish and maintain in connection with, and as a branch of, the said university, and under the supervision and management of said chancellor and board of regents, a department thereof to be known as the Institution of the Deaf Mutes.

Object of institute.

§ 1848. s 2. The principal object of said institution shall be to afford the means of education to the indigent deaf mutes of this Territory in the common branches of knowledge, and in useful trades.

Mechanical department.

§ 1849. s 3. Said chancellor and board of regents may establish in connection with said institution a mechanical department the nature of which shall be determined by said board of regents in which the pupils shall receive instructions.

Suitable buildings to be erected.

§ 1850. s 4. The board of regents shall erect on the university ground such suitable buildings for the use of said institution, as they may deem appropriate for the same.

Appropriation.

§ 1851. s 5. To carry out the provisions of this act, the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Territorial treasury, not otherwise appropriated, for the

erection of suitable buildings as is hereinbefore provided for, and the further sum of five thousand dollars annually for the next two years for the support and maintenance of the indigent deaf mutes of this Territory, to be drawn by the said chancellor and board of regents, and expended by them, subject to the provisions of this act.

[Approved, March 8, 1888.]

CHAPTER II.

AGRICULTURAL COLLEGE.

TO ESTABLISH AN AGRICULTURAL COLLEGE AND AN AGRICULTURAL
EXPERIMENT STATION IN CONNECTION THEREWITH.

SECTION.	SECTION.
1852 The Agricultural College established.	1862 Trustees to appoint professors and officers and fix their compensation.
1853 Appropriations for.	1863 Course of instruction.
1854 Who to constitute the trustees.	1864 Full course of study; winter course.
1855 Powers and duties of trustees; how to qualify.	1865 Academical year and terms.
1856 To supervise erection of buildings; require bonds for performance of contracts; keep records etc.	1866 Qualifications necessary to admission.
1857 To report to next Legislative Assembly.	1867 Who to constitute the faculty.
1858 Must not be interested in contracts.	1868 Trustees with faculty to prescribe books and confer degrees
1859 Objects of the college.	1869 An experiment station established.
1860 Professorships to be established.	1870 Trustees to take charge of experiment station.
1861 No preference to sects or parties; nothing sectarian to be taught.	1871 Application for Congressional appropriation.
	1872 Compensation of trustees.

§ 1852. s 1. There shall be established the Agricultural College of Utah, to be located at any place in Cache county that may be designated by the trustees. Agricultural college established.

§ 1853. s 2. For the purpose of erecting suitable school buildings and purchasing land on which to conduct agricultural experiments, the sum of twenty-five thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated. Appropriation for.

Who to constitute the trustees.

§ 1854. s 3. The Governor and secretary of the Territory, and the assessors of the counties of Cache, Davis, Utah, Salt Lake and Sanpete counties and their successors in office shall be ex-officio trustees for the agricultural college.

Powers and duties of trustees.

§ 1855. s 4. The trustees shall elect one of their number a president, and shall appoint a superintendent, a secretary and treasurer. Said trustees shall take charge of the general interests of the institution, and shall have power to enact by-laws and rules for the regulation of all its concerns, not inconsistent with the laws of the Territory. They shall have the general control and supervision of the agricultural college, the farm pertaining thereto, and such lands as may be vested in the college by Territorial legislation, of all appropriations made by the Territory for the support of the same, and also of lands that may hereafter be donated by the Territory, or the United States, or by any person or corporation, in trust for the promotion of agricultural and industrial pursuits. They shall be required to immediately enter upon the duties of their office, and shall, with the exception of the Governor and secretary, qualify by giving bonds with security to the people of the Territory of Utah in the penal sum of one thousand dollars each, conditioned for the faithful performance of the duties of their office, to be approved by and filed with the auditor of public accounts.

How to qualify

To supervise the erection of buildings.

§ 1856. s 5. The trustees shall have supervision of the erection of the college buildings, and shall make all purchases and contracts for said buildings in accordance with such plans, drawings and specifications as the said trustees shall have adopted. They shall, in all contracts entered into, require bonds to be given for the faithful performance of the same, and shall keep an accurate record of their proceedings, which shall embrace copies of all contracts entered into, and a minute and accurate record of all expenditures showing the amount paid, to whom paid, and for what service rendered, and materials purchased, and whether paid on account or in performance of contract; and for all payments made vouchers shall be taken.

Require bonds for the performance of contracts, keep record of their proceedings.

To report to next Legislative Assembly.

§ 1857. s 6. The trustees shall make a report to the next general Assembly of the Legislature, showing the amount of work done, the condition of the buildings, a

detailed account of the expenditures on the same, the amount of land bought, its cost and condition and the improvements thereon.

§ 1858. s 7. The trustees shall not be interested directly or indirectly in any contract for any labor or materials for the college buildings. Must not be interested in contract or materials.

§ 1859. s 8. The leading object of the agricultural college of Utah shall be to teach such branches of learning as are related to agriculture and the mechanical arts, and such other scientific and classical studies as shall promote the liberal and practical education of the industrial classes in the several pursuits and professions of life. Objects of the college.

§ 1860. s 9. To effect the above stated leading object of said college, there shall be established therein a sufficient number of professorships for teaching the sciences related to agriculture and the mechanical arts, which professorships shall be filled by able and competent professors, aided by such assistants, tutors and other instructors as shall from time to time be necessary. Professorships to be established.

§ 1861. s 10. In the appointment of professors, instructors and other officers and assistants of said college, and in prescribing the studies and exercises thereof, and in every part of the management and government thereof, no partiality or preference shall be shown by the trustees to one sect or religious denomination over another; nor shall anything sectarian be taught therein; and persons engaged in the conducting, governing, managing or controlling said college and its studies and exercises in all its parts, shall faithfully and impartially carry out the provisions of this act for the common good, irrespective of sects or parties, political or religious. No preference to one sect or party.

§ 1862. s 11. When the said college shall be ready for organization the trustees shall establish the proper professorships, and appoint the professors and officers with their salaries and compensation. They can remove such officers at their pleasure. Nothing sectarian shall be taught.

§ 1863. s 12. The course of instruction shall embrace the English language and literature, mathematics, civil engineering, agricultural chemistry, animal and vegetable anatomy and physiology, the veterinary art, etymology, geology and such other natural sciences as may be prescribed, technology, political, rural and household economy, horticultural Trustees to appoint professors and officers and fix their compensation.

Course of instruction

ture, moral philosophy, history, book-keeping and especially the application of science and the mechanical arts to practical agriculture in the field.

Full course. § 1864. s 13. A full course of study in the institution shall embrace not less than four years. The trustees may
Winter course institute a winter course of lectures for others than students of the institution, under necessary rules and regulations.

Academical year, and terms. § 1865. s 14. The academical year shall consist of not less than nine calendar months and may be divided into such terms by the trustees as in their judgment will best secure the object for which the college is founded.

Qualifications necessary to admission. § 1866. s 15. No student shall be admitted to the institution who has not attained the age of fifteen years, and who does not pass a satisfactory examination in arithmetic, geography, grammar, reading, spelling, and penmanship.

Who to constitute the faculty. § 1867. s 16. The president of the trustees, the professors, tutors and superintendent shall constitute the faculty of the agricultural college.

Trustees with faculty to prescribe books and confer degrees. § 1868. s 17. The trustees shall with the advice of the faculty prescribe the books to be used in the institution, and confer for similar or equal attainments, similar degrees and testimonials to those conferred by agricultural colleges elsewhere.

An experiment station established; its purposes. § 1869. s 18. In connection with the said college there shall be established an agricultural experiment station to conduct original researches on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative croppings as pursued under a varying series of crops; the capacity of new plants or trees for acclimation in the Territory; the analysis of soils and water; the chemical composition of manures, natural and artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of feed for domestic animals; the scientific and economic questions involved in the production of butter and cheese; the best methods of irrigation, with experiments designed to show the amount of water and number of waterings needed on different soils to produce the most abundant crops, and such other researches and experiments

as bear directly on the agricultural industry of Utah Territory. Said agricultural station shall be conducted in accordance with the provisions of an act passed by Congress, March 2nd, 1887, "An act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July second, eighteen hundred and sixty-two," and of acts supplementary thereto.

§ 1870. s 19. The trustees of the agricultural college shall take charge of the agricultural experiment station, purchase suitable lands, erect needed buildings and appoint necessary officers and assistants to conduct the experiments mentioned in the preceding section. They shall cause bulletins and reports of progress to be published and mailed as required in the act of Congress aforementioned.

Trustees to take charge of experiment station.

§ 1871. s 20. The Governor is hereby authorized to make application to the secretary of the treasury to obtain the appropriation made by Congress in the act above mentioned. As soon as the said college and agricultural experiment station shall be entitled thereto, they shall execute and file with the secretary of the treasury an agreement to expend all moneys received under the aforementioned act for the sole and exclusive purpose and in the manner therein directed, and to maintain a farm of at least twenty-five acres in connection with the agricultural college, and shall also execute and file with said secretary their bond in the penal sum of fifteen thousand dollars, with two sufficient sureties approved by the auditor of public accounts.

Governor authorized to make application for Congressional appropriation.

Contract and bond to be given.

§ 1872. s 21. Each trustee shall receive as his compensation, four dollars per diem for each meeting of the board at which he shall be present, payable out of any moneys appropriated for the use of the agricultural college; *Provided*, That any trustee shall be allowed for traveling expenses, mileage at the rate of ten cents per mile, for one way only, for the distance necessarily traveled in attending the meetings of the trustees.

Compensation of trustees.

[Approved, March 8, 1888.]

CHAPTER III.

LIBRARY.

SECTION.

- 1873 Librarian, how elected.
 1874 Term of office; how to qualify;
 deputy.
 1875-1876 Duty of librarian.

SECTION.

- 1877 Library, where to be kept; who
 permitted to use.
 1878 Care of books.
 1879 Laws not to be construed to
 prevent change of place.

Librarian,
 how elected.
 March 6, 1852.

§ 1873. ⁽¹²⁷⁾ A librarian shall be elected by a joint vote of the Legislative Assembly of the Territory of Utah, whose duty it shall be to take charge of the library (known in law as the Utah library), as hereinafter prescribed.

Term of office.
 March 6, 1852.

§ 1874. ⁽¹²⁸⁾ Said librarian shall hold his office during the term of four years, and until his successor is elected and qualified, unless sooner superseded by legislative election; and before entering upon his duties shall give bonds for the faithful discharge of his duties, in the sum of six thousand dollars with approved security, to the acceptance of the auditor of public accounts, which bonds shall be filed in his office; who may also appoint a deputy as occasion requires to act in his stead under the same restrictions as the principal librarian.

Qualify and
 give bonds.

May appoint
 deputy.

Duty of lib-
 rarian.
 March 6, 1852.

§ 1875. ⁽¹²⁹⁾ It shall be the duty of the librarian to cause to be printed at as early a date as practicable, a full and accurate catalogue of all books, maps, globes, charts, papers, apparatus and valuable specimens in any way belonging to said library; also to use diligent efforts to preserve from waste, loss or damage, any portion of said library.

Same.

§ 1876. ⁽¹³⁰⁾ It shall be the duty of the librarian, for and in behalf of the Territory of Utah, to plant suits, collect fines, prosecute or defend the interests of said library, or otherwise act as a legal plaintiff or defendant in behalf of the Territory, where the interests of the library are concerned.

Library kept
 at the seat of
 government.
 March 6, 1852.

§ 1877. ⁽¹³¹⁾ The location of the library shall be at the seat of government of the Territory of Utah; and it shall be the duty of the librarian to have all the books of the library orderly and properly arranged within the library room, for the use of such officers and persons as are named in the four-

teenth section of the organic act for Utah Territory during each session of the Legislative Assembly of Utah; *Provided*, however, that nothing herein contained shall debar the librarian, in vacation of the Legislative Assembly from permitting books, maps and papers being drawn from said library, for professional and scientific purposes by officers of the United States and of Utah Territory, and other citizens of Utah, where the librarian shall judge the public good may justify.

§ 1878. ⁽¹³²⁾ It shall be the duty of the librarian to let out books for a specified time, and call in the same when due, inflict fines for damage or loss of books, and collect the same, and keep an accurate account of all his official doings in a book kept for that purpose, and make an annual report of the same to the Legislative Assembly of Utah; *Provided*, That no fine shall be excessive, or more than four times the purchase price of the book or books, for the loss or damage of which the fine may be inflicted.

§ 1879. ⁽¹³⁶⁾ That no act of the Governor and Legislative Assembly heretofore passed, shall be so construed as to debar, disqualify, or prevent the librarian from changing the location of the library, whenever by such change the library shall better serve those for whose use it is intended; *Provided*, It shall not be removed from the city of Salt Lake.

Who shall be permitted to use books, etc., of library.

Care of books, etc.
March, 6 1852.

Construction of law as to removal.
Feb. 18, 1876.

CHAPTER IV.

CAPITOL GROUNDS.

SECTION.

- 1880 Board of commissioners.
- 1881 How to qualify.
- 1882 Governor to be chairman; secretary to be elected; his duties.
- 1883 Duty of the board to improve grounds.
- 1884 Reservoir to be constructed.
- 1885 Board to test Utah stone suitable for Capitol building and obtain plans, etc.

SECTION.

- 1886 Majority of board a quorum; rules for conduct of business; salary of secretary, and compensation of employees.
- 1887 Board to report to next Legislative Assembly.
- 1888 Vacancies, how filled.
- 1889 Compensation of commissioners.
- 1890 Appropriation, and how drawn.

§ 1880. s 1. The Governor of the Territory, and James Sharp and Thomas Marshall of the county of Salt Lake, and

March 6, 1888.

Board of commissioners on Capitol grounds.

Joseph Stanford, of Weber county, and Aaron F. Farr, Jr., of Cache county, and Anthon H. Lund, of Sanpete county, and A. O. Smoot, Jr., of Utah county, are hereby appointed and constituted a Board of Commissioners on Capitol Grounds.

How to qualify

§ 1881. s 2. It shall be the duty of the said commissioners respectively (excepting the Governor of the Territory) within twenty days after the passage and approval of this act, to take and subscribe an oath of office, to the effect that he will faithfully and to the best of his ability, discharge the duties of his office, and he shall execute a bond to the Territory of Utah in the sum of twenty-five hundred dollars, conditioned that he will faithfully discharge all duties incumbent upon him to perform, in his said office as such commissioner, and said oath so subscribed and said bond shall be filed with the secretary of the Territory; said bond with two or more sureties thereon shall be first approved by the auditor of public accounts.

Governor to be chairman of board.

§ 1882. s 3. Immediately upon the qualification of said commissioners as aforesaid, they shall meet at the call of the Governor of the Territory (who shall be ex-officio the chairman of said board) and elect some suitable person as secretary of said board; said secretary shall keep minutes and records of all official acts of said board, and accurate books of account of all moneys paid out or expended by the said board and perform such other duties as the board may from time to time direct.

Duty of board, to improve grounds.

§ 1883. s 4. It shall be the duty of said board to take full possession and control of the grounds conveyed by the city of Salt Lake to the Territory of Utah, situated on the north bench of said city, and grade, fence, improve, ornament, beautify, lay off, and do all things which in the judgment of said board may be fit and proper for the preparation of said grounds for the purposes contemplated by the trust created by the conveyance of said city and the acceptance thereof by said Territory.

Reservoir to be constructed.

§ 1884. s 5. The said board shall also, so soon as by it shall be deemed advisable, in conjunction with said city of Salt Lake, construct a suitable reservoir with all needed adjuncts thereto, at such point as may be agreed upon, for an adequate storage and supply of water for the said grounds, and for the buildings hereafter to be erected thereon.

§ 1885. s 6. Said board shall make tests of stone (native to Utah) and ascertain that which may be best adapted in all respects for capitol buildings; obtain plans, estimates, specifications for said buildings, and procure all such information, that in its judgment should be procured, to enable the next Legislative Assembly to advisedly act in the premises, in the performance of the trusts provided for, by said conveyance; *Provided*, That said board shall not adopt any plan for said capitol buildings, nor commence the foundations thereof.

To make test of Utah stone, to ascertain that which is suitable for Capitol buildings.

To obtain plans, etc., for such buildings

§ 1886. s 7. A majority of said board shall constitute a quorum to do business, and said board may adopt such rules and regulations for the conduct of its business as it may deem fit and proper; shall fix the salary of its secretary and the compensation of such employees as it may require in the discharge of its duties.

A majority of board a quorum; may adopt rules etc., for conduct of its business; shall fix salary of secretary and compensation of employees.

§ 1887. s 8. The said board shall present to the Legislative Assembly of this Territory, during the first week of its next session, a full, complete and detail report of its proceedings under this act, together with all facts, figures, plans, specifications and information which said board may have obtained touching said buildings, with such recommendations as to said board may be deemed advisable.

To report to next Legislative Assembly.

§ 1888. s 9. The said board may fill all vacancies that shall occur in its body.

Vacancies how filled.

§ 1889. 10. Said commissioners shall each receive as his compensation for his services under this act, four dollars per day for each day actually employed, and ten cents per mile actually and necessarily traveled in the performance of the business of said commission.

Compensation of commissioners.

§ 1890. s 11. For the purposes in this act set forth the sum of twenty-five thousand dollars is hereby appropriated, or so much thereof as may be necessary to be drawn by the warrants of the auditor of public accounts on the order of said board of commissioners.

Appropriation to be drawn on order of the board.

CHAPTER V.

REFORM SCHOOL.

AN ACT TO ESTABLISH A TERRITORIAL REFORM SCHOOL.

SECTION.	SECTION.
1891 Territorial Reform School established in Weber county.	1902 Who to be sent to reform school; manner of commitment.
1892 Trustees to consist of whom; how to qualify.	1903-1905 Manner of commitment when conviction is before a justice of the peace.
1893 Trustees to appoint certain officers; powers and duties of trustees.	1906 Facts to be stated in the warrant of commitment.
1894 Trustees shall procure plans and erect buildings.	1907 Those committed to remain how long; effect of discharge.
1895 Trustees and other officers not to be interested in contracts or materials, etc.	1908 Limit of commitment; trustees may discharge inmates, when.
1896 Basis of plans.	1909 Persons aiding inmates to escape guilty of a misdemeanor.
1897 Appropriation to carry out the provisions of the act.	1910 If inmate who has been convicted of felony prove unruly, the trustees may deliver him to sheriff or marshal.
1898 Trustees to report in 1890 and biennially thereafter.	1911 If trustees are unable to obtain land at a reasonable price, certain proceedings to be had.
1899 Compensation of trustees.	
1900 Inmates to be instructed.	
1901 Trustees to visit the school and inspect books, papers, etc.	

March 8, 1888.

Territorial reform school established in Weber county.

§ 1891. s 1. There shall be established, at such a point in Weber county as the trustees hereinafter provided for shall determine, a Territorial Reform School for the confinement, discipline, education, employment, and reformation of juvenile offenders as hereinafter provided.

Trustees to consist of whom.

§ 1892. s 2. The trustees shall consist of the Governor, secretary of the Territory and the prosecuting attorneys of the counties of Salt Lake, Utah, Davis, Weber and Box Elder and their successors in office, all of whom shall be ex-officio trustees. The trustees shall be required to immediately

How to qualify

enter upon the duties of their office, and, with the exception of the Governor and secretary, shall qualify by giving bonds with security to the people of the Territory of Utah, in the penal sum of five thousand dollars each, conditioned for the

faithful performance of their duties, to be approved by and filed with the auditor of public accounts.

§ 1893. s 3. The trustees shall elect one of their number president, they shall appoint a superintendent, a secretary and treasurer. Said trustees shall take charge of the general interests of the institution, shall have power to enact by-laws and rules for the regulation of all its concerns, not inconsistent with the laws of the Territory; to see that its affairs are conducted in accordance with the requirements of law; and that strict discipline is maintained therein; to provide employment and instruction for the inmates; to appoint a steward, a teacher or teachers, and such other officers as in their judgment the wants of the institution may require, and prescribe their duties; to exercise a vigilant supervision over the institution, its officers and inmates; to remove any officer at their pleasure, and determine the salaries to be paid to the officers appointed by them, and shall also require the secretary, treasurer and superintendent to give bonds in such penal sum as they shall deem proper.

Trustees to
appoint cer-
tain officers.

Powers and
duties of
trustees.

§ 1894. s 4. The trustees shall procure and adopt plans, drawings and specifications for the construction of the reform school buildings, and shall make provision for the erection of the buildings, and cause the same to be carried out in accordance with such plans and specifications, and on such terms as they may deem proper.

Trustees shall
procure plans
and erect
buildings.

§ 1895. s 5. The trustees and other officers shall have no pecuniary interest, direct or indirect, in the furnishing of any building materials, or in any contract for the same, or in any contract for labor in the erection of said reform school, nor in any contract for any labor, material, or supplies for the maintenance thereof.

Trustees, etc.,
not to be inter-
ested in con-
tracts, mater-
ial, etc.

§ 1896. s 6. The plans and specifications for said reform school shall be upon the basis of accommodating not to exceed two hundred juvenile offenders at one time.

Basis of plans.

§ 1897. s 7. To carry out the provisions of this act, there is hereby appropriated out of the treasury of this Territory of any moneys not otherwise appropriated, the sum of seventy-five thousand dollars, or as much thereof as may be necessary, and the auditor of public accounts is hereby authorized to draw his warrants on the Territorial treasurer in favor of the trustees of said reform school, for the sums as the same may be needed.

Appropriation
to carry out
provisions of
act.

Trustees to report in 1890 and biennially thereafter.

§ 1898. s 8. The trustees shall make an itemized report to the Legislative Assembly during the first ten days of its session in the year 1890, and biennially thereafter, of all the expenditures made by them for the uses of the reform school during the preceding two years. They shall, at the same time, lay before the Legislative Assembly, a report of the condition of the institution, together with a full report of the superintendent and a list of officers and their salaries, with an estimate of the value of the personal property of the Territory in connection with the school.

Compensation of trustees.

§ 1899. s 9. Each trustee shall receive as his compensation, four dollars per diem, for each meeting at which he shall be present, payable out of any moneys appropriated for the use of the reform school; *Provided*, That any trustee shall be allowed for traveling expenses, mileage at the rate of ten cents per mile, for one way only, for the distance necessarily traveled in attending the meetings of the trustees.

Inmates to be instructed.

§ 1900. s 10. The trustees shall cause the boys and girls under their charge to be instructed in correct principles of morality and in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing, or agricultural, as is best suited to their age, strength, disposition and capacity, and as may seem best adapted to secure their reformation and future benefit.

Trustees to visit schools.

§ 1901. s 11. It shall be the duty of the trustees to visit the reform school as often as they may deem it necessary, to inquire into all matters connected with the government and discipline thereof; and one or more of the trustees who may be designated by them shall visit the school, once in every month, and examine into the progress and behavior of the boys and girls in their schoolroom, and labor, and inspect the register and accounts of the superintendent. A record shall be kept of these visits in the superintendent's books. The trustees shall, at all times, have free access to all parts of the reform school, and may inspect all books, papers, documents, communications and correspondence pertaining thereto.

Trustees to have access to school; books and papers.

Who to be sent to reform school.

§ 1902. 12. When a boy or girl under the age of eighteen years, shall, in any of the district courts in this Territory, be found guilty of any crime except murder, the court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be

Manner of commitment.

entered, that said boy or girl be sent to the reform school in pursuance of the provisions of this act; and a copy of said order, duly verified by the clerk, under seal of said court, shall be a sufficient warrant for taking said boy or girl to the school, and for his or her commitment to the custody of the superintendent thereof.

§ 1903. s 13. When a boy or girl under the age of eighteen years shall be convicted before a justice of the peace of any crime, the magistrate may, in his discretion, send such a boy or girl, together with all the papers, filed in his office on the subject, under the control of some officer, to the judge of the district wherein he resides, who shall then issue an order to the parent or guardian of said boy or girl, or such person as may have him or her in charge, or with whom he or she last resided, or one known to be nearly related to him or her, or if he or she be alone and friendless, then to such a person as said judge may appoint to act as guardian for the purpose of the case, requiring him or her to appear at a time and place stated in said order, to show cause why the said boy or girl should not be committed to the reform school for reformation and instruction.

Manner of commitment where conviction is before justice of the peace.

District judge to issue order to parents or guardian.

§ 1904. s 14. Said order shall be served by the sheriff or other officer by delivering a copy thereof, personally to the party to whom it is addressed, or leaving it with some competent person at the place of residence or business of said party, and immediate return shall be made to the said judge of the time and manner of such service. The fees of the sheriff or other officer under this act shall be the same as now allowed by law for like services.

Officer to serve copy of order in such cases.

§ 1905. s 15. At the time and place mentioned in said order or at the time and place to which the hearing may be adjourned, if the parent or guardian to whom said order may be addressed, shall appear, then in his or her presence, or if he or she fail to appear, then in the presence of some suitable person whom the said judge shall appoint as guardian for the purpose of the case; said judge shall proceed to an examination of the case and hear such testimony in relation thereto as may be produced, and if upon such examination and hearing the said judge shall be satisfied that the boy or girl is guilty of crime and is a fit subject for the Territorial reform school, he may commit him or her to the said school by warrant; and if said judge shall be satisfied

Accused to have an examination and may commit or discharge.

that the accused is not guilty, he shall forthwith discharge the accused; but if satisfied that the accused is guilty, but not a fit subject for said school, he must remand the accused to the said justice of the peace for sentence.

What facts the warrant shall contain.

§ 1906. s 16. The judge shall certify in the warrant the place in which the boy or girl resided at the time of his or her arrest, also his or her age as near as can be ascertained and command the said officer to take the said boy or girl and deliver him or her without delay to the superintendent of said school or other person in charge thereof at the place where the same is established, and such certificate, for the purposes of this act, shall be conclusive evidence of his or her residence or age; accompanying said warrant, the judge shall transmit to the superintendent by the officer executing it a statement of the nature of the complaint, together with such particulars concerning the boy or girl as the judge is able to ascertain; *Provided*, The expense of conveying any boy or girl committed by the district court to said reform school or for returning him or her to his or her parents or guardians after his or her release therefrom, shall be at the expense of the Territory.

Those committed to remain, how long.

Effect of discharge.

§ 1907. s 17. Every boy or girl committed to the reform school shall remain until he or she shall arrive at the age of majority or is legally discharged. Such discharge shall be a complete release of all penalties incurred by conviction of the offence for which he or she was committed.

Limit of commitment.

§ 1908. s 18. No boy or girl shall be committed to said reform school for a longer term than until he or she attain the age of majority; but the trustees by their order may at any time after six months service, discharge any boy or girl from said school as a reward of good conduct in the school and upon satisfactory evidence of reformation.

Trustees may discharge those committed, when.

Persons aiding in escape, guilty of a misdemeanor.

§ 1909. s 19. Every person who unlawfully aids or assists any boy or girl lawfully committed, in escaping or attempting to escape therefrom, or knowingly conceals said boy or girl after his or her escape, shall be deemed guilty of a misdemeanor.

If person convicted of felony, shall prove unruly etc., trustees may deliver him to sheriff or marshal.

§ 1910. s 20. If any boy or girl convicted of a felony, committed to the reform school, shall prove unruly or incorrigible, or if his or her presence shall be manifestly and persistently dangerous to the welfare of the school, the trustees shall have power to order his or her removal to the county

from which he or she came, and delivery to the sheriff of the said county, or the marshal of the Territory, and proceedings against him or her shall be resumed as if no warrant or order committing him or her to the reform school had been made.

§ 1911. s 21. If the trustees are unable to obtain by gift or purchase at reasonable prices, the land and water rights which they deem necessary for the reform school, they may instruct the United States district attorney or the prosecuting attorney of Weber county, and such officer is hereby empowered to institute, in the name of the Territory, the necessary proceedings to acquire the title to the premises desired in the manner prescribed in title 7, chapter 45, (of the laws of 1884) of an act revising the Code of Civil Procedure of Utah Territory.

If trustees are unable to obtain land at reasonable prices, what proceedings to be had.

CHAPTER VI.

DISTRICT SCHOOLS.

SECTION.	SECTION.
1912 School districts, how formed and divided; their property.	1925 Board of school examiners; their powers and duties.
1913 School trustees, how elected.	1926 Teachers to report quarterly; form.
1914 Their powers and duties; compensation; union of districts; transfer of scholars.	1927 Majority of trustees may do business; vacancies.
1915-1916 Raising money for school purposes; right to vote.	1928 Territorial superintendent to be elected.
1917 County assessors and collectors to collect district taxes.	1929-1930 Duty of Territorial superintendent.
1918-1920 How levied and collected.	1931 Duties county superintendent; report from.
1921 Trustees may appoint certain officers and prescribe duties.	1932 Same in relation to school fund.
1922 When collector to pay over money and make settlement.	1933 Money collected under revenue act, how drawn and distributed; who may attend school.
1923 Trustees to visit schools; census; report to county superintendent; form.	1934 Appropriation for university; free tuition for forty pupils.
1924 How schools to be known; right to school money.	1935 Apportionment of school moneys
	1936 Construction of school act.
	1937 In whom property vests.

§ 1912. s 1. That the county court shall divide their respective counties into school districts, where not already so divided, name and number the same, prescribe limits, change

School districts, how formed.
Feb. 20, 1880.

the boundaries thereof, and may consolidate two or more school districts into one, should the public good so require; *Provided*, That where school districts have built school houses by a tax on the whole district, said district shall not be divided until equitable provision has been made for school houses in the new districts to be organized. Settlers on or near county lines of two or more counties, may be formed into school districts by the mutual agreement of the county courts of such counties. Every school district may, in the name of its trustees, purchase, hold, sell and convey property for the use and benefit of such districts; *Provided*, That no school property shall be sold except by authority of a two-thirds majority vote of the resident tax payers of the district present at a regular or special school meeting called for that purpose.

March 9, 1882.

School property may be purchased or sold.

School trustees, how elected.
Feb. 20, 1880.

§ 1913. s 2. At a school meeting to be held in each school district on the first Monday in June, in the year eighteen hundred and eighty, there shall be elected by the registered voters of the district, three school trustees for each school district, one for the term of one year, one for the term of two years, and one for the term of three years. And annually thereafter, at the school meeting provided for in section three of this act, there shall be one school trustee elected by said registered voters in each school district, whose term of office shall be for three years, and until his successor is elected and qualified. Said trustee shall qualify by taking and subscribing an oath of office, and give bonds to the county in which they reside, in such sums and with such sureties as the probate judge of the county, or a justice of the peace for the precinct may approve, conditioned for the faithful performance of the duties of their offices. Said oath of office and bonds shall be filed with the clerk of the county court.

Must qualify.

Duties and powers of trustees.
Feb. 20, 1880.

§ 1914. s 3. The trustees shall provide suitable school houses and keep the same in repair, employ teachers, and furnish fuel, maps, charts, and other suitable articles for school purposes, and may at their option collect tuition fees. They shall prescribe the manner in which schools shall be conducted, and the branches to be taught and rates of tuition therefor, and establish outhouses, playgrounds, and other appurtenances. The trustees shall keep a record of their official actions, and of proceedings in district school

Must keep a record of their proceedings.

meetings, signed by the chairman and secretary; keep a correct account of all moneys received by them and how expended, such accounts to be reported each year to the voters of the district at an annual school meeting to be held on the second Monday in July, at which meeting the amount of compensation to be allowed to said trustees, or either of them, may be decided by a majority vote. Trustees may unite and jointly control two or more contiguous districts in the same county, or in adjoining counties, and establish union schools, to be supported out of the funds belonging to their respective districts. They may make arrangements with the trustees of adjoining districts for the attendance of such children in the schools of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children, to the district in which they may attend school.

Compensation
Feb 20, 1880.
March, 9, 1882.
Districts may
be united.
Scholars may
be transferred

§ 1915. s 4. Whenever it shall be necessary to raise funds to purchase, build, repair or furnish school houses, or for other school purposes, an estimate of the approximate cost thereof shall be made by the trustees, and the rate per cent. may be fixed at any sum not exceeding two per cent. per annum, as shall be decided by a majority vote of the property taxpayers resident in the district, present at a meeting called for that purpose, to be assessed and collected as a special tax upon all the taxable property in the district. The trustees of any school district having a population of over twelve hundred, when authorized by a majority vote of the property taxpayers resident in the district, present at a meeting called for that purpose, may establish and maintain a graded school, or a graded department in a school in such district, in which pupils may be instructed in higher branches of education than those usually taught in common schools, and pupils over eighteen years of age may be admitted to and instructed in such school or department, on such terms as to tuition and otherwise as the trustees may prescribe. In case of a challenge of the right of any person to vote on said tax, the oath of such person as to qualification, his tax receipt for the past year, or a copy of the tax list showing that said person owns taxable property in the district, shall be received as evidence of such right to vote; *Provided*, The trustees shall have power to assess and collect annually a tax of one-fourth of one per cent. on all taxable property in the district without calling a meeting for that purpose.

School dis-
tricts may levy
tax annually

Amount of.
March 13, 1884.

Challenges,
how decided.
Proviso.

Meetings to fix
rate of tax,
how called and
conducted.
Feb. 20, 1880.

§ 1916. s 5. For the calling of a meeting for voting on the rate per cent. of tax to be assessed, and for the election of trustees, notice shall be given at least ten days before the time appointed for taking such vote, by advertising at least three times in some newspaper published in the county, having general circulation therein, or by posting up notices in three public places in the district; said advertisement or notice shall state distinctly the time, place and object of said meeting; said notice shall be given by at least five permanent residents of the district; but if the district be organized, then said notice shall be given by the trustees. At all such meetings the voting shall be by ballot; *Provided*, That whenever any meeting of a school district is called and a tax assessed for school purposes, it shall be the duty of the trustees of such district to file with the county superintendent of district schools of the county in which the district is situated, and within ten days after such meeting, a copy of the notice calling such meeting and a copy of the minutes thereof, which shall be kept on file by such superintendent, subject to be inspected by any member or taxpayer of said district.

March 9, 1882.

County assess-
ors and col-
lectors to col-
lect school
taxes.

March 11, 1886.

§ 1917. s 6. The county assessors and collectors of the several counties of the Territory are hereby constituted the assessors and collectors of district school taxes, each of whom shall receive such compensation and shall give bonds in such a sum as shall be determined by the county court of his county, for the efficient and proper performance of the duties enjoined upon him by the several provisions of this act.

Qualification.

School taxes,
how levied and
collected.

March 11, 1886

§ 1918. s 7. All school taxes, whether levied by trustees or by a special meeting called for that purpose, shall be computed from the valuations of the county assessment roll, and shall be levied during the month of April, 1886, and during the month of December of each year, thereafter, and within ten days after any such meeting shall have been held, the school trustees shall make a certified statement of the per cent. of the taxes so levied to the county clerk and to the county assessor. The county assessor shall assess therefor at the same time and in the same manner that he assesses for Territorial and county taxes, and he shall give to district school taxpayers the same notices as are required by law to be given to taxpayers of Territorial and county taxes.

Board of
equalization.

§ 1919. s 8. At the time of computing the tax in the county assessment roll, the county clerk shall compute the

district school taxes of the several districts of the county in which school taxes have been levied. The county court shall sit as a board of equalization of district school taxes, and shall equalize in the same manner as now provided by law for equalizing Territorial and county taxes. March 11, 1886.

§ 1920. s 9. All school taxes levied and assessed under the provisions of this act shall attach to and become a lien on the property assessed from the date of assessment. They shall become due and delinquent at the same time, and shall be collected in the same manner as Territorial and county taxes. Taxes a lien upon property, when. March 11, 1886

§ 1921. s 10. The trustees shall have power to appoint a clerk, and a treasurer, and prescribe their qualifications. They shall also appoint an auditor, not of their own number, each year, whose duties shall be to examine the financial accounts of the trustees for the current year, and report thereon at the annual school meeting. Trustees may appoint certain officers. Feb. 20, 1880. March 9, 1882. March 11, 1886.

§ 1922. s 11. The collector shall, on the first of each month or oftener, if required, pay over to the trustees, all money collected by him for district school purposes; and on or before the 31st day of December of each year, shall make a final settlement with said trustees, paying the full amount of all school taxes due, whether collected by him or not. School trustees' receipts shall be received by the collector in payment of district school taxes. March 11, 1886. When collector to pay over money and make settlement.

§ 1923. s 12. The school year shall begin on the first day of July and end on the last day of June, and shall be divided into four terms of ten weeks each. The trustees shall visit officially each school in their respective districts at least once during each term, and, on or before the second Monday in July in each year, take a census of the children between the ages of six and eighteen years residing in their districts; and on or before the 10th day of August next ending, shall make reports to the county superintendent as hereinafter provided for, stating the condition of the school or schools under their supervision, and particularly the items contained in the following form, together with such other statistics or information as the Territorial superintendent may require. March 9, 1882. Trustees to visit school, and take census of children. Must report to county supt. March 7, 1882.

Form No. 2.

SCHOOL TRUSTEES' ANNUAL FINANCIAL REPORT.

*Of——District No.——County of——, Utah Territory, for the School
Year ending June 30th, 188 .*

RECEIPTS.

Balance on hand last Report, \$
From District Taxes,
“ Territorial School Appor-
tionment,
“ County School Fund,
[Estrays, etc.,]
“ Tuition Fees,
“ Donations,
“ Rents,

Total, ———

DISBURSEMENTS.

For payment of Teachers, \$
Male——, Female——,
“ Buildings,
“ Furnishings, Desks,
Clocks, etc.,
“ Apparatus, Globes, Maps,
Charts, etc.,
“ Repairs,
“ Improvements,
“ Current Expenses of run-
ning Schools, exclusive
of Teachers' salaries,
“ Compensation of Trustees
“ Payment of officers ap-
pointed by Trustees,
“ Printing, Advertising, etc.
“ Discount and Loss,
“ Amount on hand,

Total, ———

——— } Trustees.
——— }
——— }

———, Auditor.

§ 1924. s 13. All schools organized under the direction of the trustees, in the respective school districts of this Territory, shall be known, in law, by the name and title of district schools, and shall be entitled to a just and equitable apportionment of any public school fund arising from the general government, or by legislative enactment of the Territory.

All schools shall be known as district schools, and to be entitled to equitable portion of school funds.

§ 1925. s 14. The county court of each county shall appoint in their respective counties, where not already done, a board of examiners which shall hold such number of sessions during the year as may be determined by said county court. Said board shall consist of the county superintendent and two other competent persons, who shall hold examinations and judge of the qualifications of school teachers applying for schools; and all applicants of a good moral character considered competent shall receive a suitable certificate signed by the board, which certificate shall be valid for only one year from its date, and without which no person shall

Board of examiners to be appointed.
March 13, 1884.

Their powers and duties.
March 11, 1886.

§ 1927. s 16. A majority of the trustees shall have power to transact business, and in case of a vacancy in any school district by death, resignation or otherwise, the remaining trustees shall immediately appoint a suitable person to fill such vacancy until the next election for trustees. In case of failure to elect a trustee at the annual meeting for that purpose, or a trustee-elect failing to qualify within twenty days after being elected, the office shall be declared vacant, and may be filled as provided in this section.

Majority of trustees may transact business; in case of vacancy must call an election.
Feb. 20, 1880.
March 9, 1882.
Vacancy in office of trustee.

§ 1928. s 17. At the general election for the year one thousand eight hundred and eight one, and biennially thereafter, a Territorial superintendent of district schools shall be elected, whose term of office shall be for two years, and until his successor shall be elected and qualified; and before entering upon the duties of his office, he shall qualify by taking and subscribing an oath, and giving a bond, with approved sureties, to the people of the Territory of Utah, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, said oath, bond and sureties to be approved by and filed with the auditor of public accounts. At the same general election and biennially thereafter there shall also be elected for each county in the Territory, a superintendent of district schools, whose term of office shall be for two years, and until his successor shall be elected and qualified; and before entering upon the duties of his office he shall qualify by taking and subscribing an oath of office, and giving a bond with approved sureties, in such sum as shall be prescribed by the probate judge of the county, which oath and bond shall be filed with the clerk of the county court. (1)

Territorial superintendent of schools to be elected.

Term of office.

Must take oath and give bonds
Feb. 20, 1880.

Election of county superintendents; term of office; bonds, etc.

§ 1929. s 18. The Territorial superintendent shall keep a record of the condition of district schools throughout the Territory, shall furnish each county superintendent with a record headed according to form for superintendents' reports, and also blank forms of said reports, together with blank forms of school teachers' and trustees' reports, as contemplated in this act; and he shall cause to be printed such a number of the forms described in this act, including forms for financial reports, as shall be necessary for distribution to the trustees

Duty of Territorial superintendent.
Feb. 20, 1880.
March 9, 1888.

(1) This office abolished and a school commissioner substituted. Sec. 25 Edmunds-Tucker Law, Sec. XXIII, ante p. 123.

Territorial
superintendent
to make
biennial report

and teachers throughout the Territory, and distribute the same. The Territorial superintendent shall report to the Legislative Assembly biennially, within two weeks after the opening of each regular session thereof; said report shall contain a statement of the condition of the district schools in the Territory; a compilation of the reports received from each county superintendent; and such other statistical information as he may deem proper. It shall be the duty of the

Territorial su-
perintendent
to visit schools
annually.

Territorial superintendent to travel in the different counties of the Territory at least once a year, for the purpose of visiting district schools, of consulting with county superintendents, of lecturing before county institutes, and of addressing public assemblies on subjects pertaining to district schools.

Superintend-
ent may pre-
pare forms.

The said superintendent is hereby authorized to prepare an appendix of such forms as he may deem proper for the guidance of school officers, and said appendix shall be printed with the report of the superintendent and the amended school law.

Text books to
be selected by
Territorial and
county super-
intendents.
Feb. 20, 1880.

§ 1930. s 19. The Territorial and county superintendents, and the president of the faculty of the University of Deseret, or a majority of them, shall, at a convention called by the Territorial superintendent of district schools, for that purpose, decide what text books shall be adopted in the district schools, and their use shall be mandatory in all the district schools of the Territory; *Provided*, That no text book so adopted shall be changed within a period of five years from its adoption, except for sufficient cause, to be decided at a special convention, and any teacher changing the text books, shall forfeit his eligibility as a teacher. The county superintendents, with the trustees in their respective districts, shall regulate the school terms, allowing such holidays and vacations as may be advisable.

Duty of county
superintend-
ents.

§ 1931. s 20. The county superintendent shall take the general supervision of the schools in his county and visit them at least twice in each year, examine the trustees' records, audit their accounts and see that the trustees are diligent in the discharge of their duties. He shall keep a correct account with the county treasurer and with the trustees of school districts, of all funds received and disbursed for school purposes in the county; shall audit all school accounts against the county treasurer and draw his warrant in favor of the several school districts for the pay-

ment thereof. He shall transmit to the Territorial superintendent of district schools, on or before the first Monday in October annually, a full and complete financial statement of all funds received in his county, including amount of taxes collected by the trustees in each district, voluntary contributions and amounts arising from the general government or by legislative enactment of the Territory of Utah, or from any other source whatever, and amounts disbursed for buildings, furniture and all school appurtenances, the actual tuition fees, together with a statistical statement in the following form, together with such other information as the Territorial superintendent may require.

March 9, 1882.

Form No. 4.

COUNTY SUPERINTENDENT'S ANNUAL FINANCIAL REPORT.

Of—County, Utah Territory, for the School Year ending June 30th, 188 .

Districts.	Payment of Teachers		Total.	Grand Totals.	County Superintendent.
	Male.	Female.			
			Balance on hand last Report.		
			District Taxes.		
			Territorial School Tax.		
			County School Fund, Sale of		
			Estays, etc.		
			Tuition Fees.		
			Donations.		
			Rents.		
			Total.		
			Male.		
			Female.		
			Building.		
			Furnishings, Desks, Seats, Clocks, etc.		
			Apparatus, Globes, Maps, Charts, etc.		
			Repairs.		
			Improvements.		
			Current Expenses of running Schools,		
			exclusive of Teachers' salaries.		
			Compensation to Trustees.		
			Payment of Officers Appointed by		
			Trustees.		
			Printing, Advertising, etc.		
			Discount and Loss.		
			Amount on Hand.		
			Total.		

March 9, 1882.

Form No. 5.

COUNTY SUPERINTENDENT'S ANNUAL STATISTICAL REPORT.

For _____ County, Utah Territory, for the year ending June 30th, 188—, —County Superintendent.

Names of Districts.		No. of Districts in County.		No. of Districts reported.		
Number of Schools.	Primary.	Intermediate.	Mixed.	Total.	Number of Teachers	
	Males.		Females.			
	Males.		Females.			
	Males.		Females.			
	Males.		Females.			
Number of Assistant Teachers		Number of Children in County				
		between the ages of six and		Girls.	Total between six and eighteen years.	
		eighteen years.			No. of Boys enrolled.	
					No. of Girls enrolled.	
				Total enrolled.		
				Per cent. of School Population enrolled.		
				Average daily attendance.		
				Per cent. of School Population actually attending school.		
				Average No. of terms Schools have been taught.		
				Average No. of days Schools have been taught during the year.		
				Boys.	Girls.	Total.
				No. attending under six years of age.		
				No. attending over sixteen years of age.		
				Average monthly pay of Teachers.	Value of School Property.	
				Males.	Females.	Grounds.
				Total.	Furniture.	Buildings.
					Apparatus.	Total.
Remarks.						

§ 1932. s 21. The county superintendents of district schools are hereby authorized and required to proceed against all delinquent district pound keepers, or other parties, who have failed or shall fail to pay the school funds due, or which may hereafter become due, arising from the sales of estrays or from other sources, and shall pay all amounts thus collected into the county treasury, quarterly. The school funds mentioned in this section shall be drawn from the county treasuries annually, on the order of the county superintendents, to be distributed by them among the various school districts in their respective counties, according to the school population, and expended by the trustees for school purposes.

Duty of county superintendents in relation to school fund and how distributed.
Feb. 20, 1880.

§ 1933. s 22. The moneys accruing for the benefit of district schools, under the provisions of section 1 of "An act to provide revenue for the Territory of Utah and the several counties thereof," approved February 22, 1878, shall be disbursed on orders drawn by the Territorial superintendent of district schools, in favor of the Territorial sub-treasurer of each county, according to the school population thereof, and shall be paid to the trustees by the Territorial sub-treasurer, on the orders of the county superintendents; and said moneys shall be used by the trustees in paying school teachers during the year following the one in which it was assessed and collected. No pupil shall derive any benefit from said moneys who is under the age of six years, nor over the age of eighteen years. The treasurers of the respective counties, upon the receipt of the proportion of school moneys to which their counties are entitled, shall hold the same subject to the orders of the superintendent of district schools thereof, and such moneys shall not be used or disbursed for any other purpose than that for which they are paid in.

School money subject to order of Territorial superintendent; how distributed
Feb. 20, 1880.
March 13, 1884.

Who may attend school.

§ 1934. s 23. The sum of five thousand dollars is hereby appropriated annually to the University of Deseret, to be drawn by and expended under the direction of the chancellor and board of regents; *Provided*, That forty pupils annually shall be instructed free of charge, for tuition, books or apparatus, for one year in the normal department of said university. Said pupils shall be selected by the Territorial superintendent of district schools, from persons nominated by the board of examination of the several counties, according to the district school population thereof, and his certifi-

Appropriation for University of Deseret; how expended.

Forty pupils to be given free tuition.
Feb 20, 1880.

cate shall entitle the holder to all the benefits of this provision. The character of the studies pursued by said pupils shall be such as may from time to time be advised by the Territorial superintendent of district schools. Each pupil so educated, shall sign an obligation to the Territorial superintendent of district schools, conditioned that for each year's free tuition so received, he or she will serve one year as a district school teacher, if required so to do by their respective county superintendents, within two years from the date of his or her graduation.

Apportionment of school moneys; how made.
Feb. 20, 1880.

§ 1935. s 24. The county and district apportionment of the moneys accruing for the benefit of district schools, under the provisions of section 1 of "An act to provide revenue for the Territory of Utah, and the several counties thereof," shall be made by the Territorial superintendent of district schools, based upon the annual reports of county superintendents, on or before the thirty-first day of December in each year, according to the number of all the children in the districts between the ages of six and eighteen years, and forward a certificate to each county superintendent, setting forth the amount allotted to each county, and a copy of such certificate to the auditor of public accounts, whose duty it shall be to issue a warrant to each Territorial sub-treasurer, on application therefor, setting forth the amount allotted to his county.

March 13, 1884.

Construction of this act as to former assessments and contracts.

§ 1936. s 25. Nothing in this act shall be so construed as to interfere with any assessment heretofore made or contract entered into by the parties under the former law, or suits pending that have originated under any former act of this legislature. Nor to appropriate any part of the school fund to any private, select or high school, or any boarding school, or academy, or any school whatsoever not under the immediate control and direction of the school district trustees, except as provided in section 20, nor to prevent the present Territorial and county superintendents and trustees of district schools, from continuing in office until superseded by election as herein provided for.

In whom property vests.
Feb. 20, 1880.

§ 1937. s 26. After the passage of this act, all the school property acquired, both personal and real, of any school district, shall be the property of such district for school purposes, and prior to the erection or construction of any school buildings on any lot or parcel of land (except on

public domain), the school trustees shall first obtain from the owner of such lot or parcel of land, a deed in fee simple, by purchase or otherwise, the deed to run from the grantor to the school trustees of said school district, and their successors in office, as grantees, and shall record said deed in the proper office for recording deeds in that county.

CHAPTER VII.

SUPPORT OF POOR.

SECTION.

1938 Who must furnish support; 1939 Degrees of liability; exceptions. penalty for refusal; exceptions.

SECTION.

§ 1938. s 1. Every poor person, who is unable to earn a livelihood in consequence of any bodily infirmity, idiocy, lunacy, or other unavoidable cause, shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brothers or sisters of such poor person, if they or either of them be of sufficient ability; and every person who shall refuse to support his or her father, grandfather, mother, grandmother, child or grandchild, sister or brother, when directed by the county court of the county where such poor person shall be found, whether such relative shall reside in the same county or not, shall forfeit and pay to the county court for the use of the poor of their county, such sum as may be by the county court deemed adequate and proper to be paid, not exceeding six dollars per week for each and every week for which they or either of them shall fail or refuse, to be recovered in the name of the county for the use of the poor aforesaid, before a justice of the peace, or any

Who must support, etc.
March 13, 1884.

Penalties for refusal.

Proviso.

other court having jurisdiction; *Provided*, That whenever any persons become paupers from intemperance or any other bad conduct, they shall not be entitled to support from any relative except parent or child; *And provided further*, That such poor person entitled to support from any such relative may bring an action against such relative for support, in his or her own name and behalf.

¹Degree of liability.

March 13, 1884.

§ 1939. s 2. The children shall first be called upon to support parents, if they be children of sufficient ability, and if there be none of sufficient ability, the parents of such person shall next be called upon, and if there be no parents nor children, the brothers and sisters shall next be called upon, and if there be no brothers nor sisters, the grandchildren of such poor person shall next be called upon, and then the grandparents; *Provided*, Married females, while they live with their husbands, shall not be liable to a suit for maintenance beyond the interest or incomes of the estate of such married female held in her own right.

Proviso.

CHAPTER VIII.

INSANE ASYLUM.

SECTION.	SECTION.
1940 Insane Asylum established; title.	1976 Discharge on showing that patient not insane; form of order.
1941 Board of directors; their successors; Governor a member.	1977 Precedence when not sufficient room.
1942 Vacancies, how filled.	1978 Provision for indigent not to relieve estate of patient.
1943 Directors to qualify; when to organize.	1979 Infectious and contagious cases excluded.
1944 Site to be selected.	1980 Relatives or friends may pay towards expenses and credit to be given.
1945 Plan of buildings; their erection.	1981 Parties receiving papers are liable; may appeal.
1946 Directors to have no interest in contracts.	1982 Officers, etc., exempt from jury duty.
1947 Number of patients provision to be made for.	1983 Insane person at large may be arrested.
1948-1953 Style of board of directors; their powers and duties.	1984 Persons not to be restrained of liberty except according to this act, for insanity.
1954 Compensation of directors.	1985 Fees of examining physicians.
1955 Treasurer and duties; term of office.	1986 County to pay costs, etc.; how reimbursed.
1956 Secretary; duties of.	1987 When probate judge to make inquiry.
1957-1962 Powers and duties of board of directors.	1988 Provisions for insane excluded for want of room.
1963-1964 Qualifications of medical superintendent; his duties; his accounts to be audited; semi-yearly estimates; supplies, how contracted for; record to be kept; annual report.	1989 Penalty for attempting to introduce patients contrary to this act.
1965 Assistant physician; duties; compensation; term of office.	1990 Penalty for wanton cruelty to persons restrained as insane.
1966-1969 Manner of deciding applications for inmates and proceedings.	1991 Penalty for unlawful entry upon asylum premises.
1970 Charges for inmates; how secured and paid; moneys found on inmates may be delivered to friends.	1992 Penalty for inducing patient to elope.
1971 Delivery of patients to asylum.	1993 Penalty for bringing pauper insane, etc., into county to be a charge there.
1972 When patients able to pay cost of maintenance; how secured; guardian.	1994 Penalty for other violations of act.
1973 Guardian to give bond.	1995 Act, when to take effect.
1974 Papers to be sent to persons liable for charges.	
1975 Kindred of insane person may receive him from asylum; bond to be given; form.	

§ 1940. s 1. There shall be established upon a site to be selected by the board of directors hereinafter provided for, and institution for the care and treatment of the insane, to be designated and known as the Territorial Insane Asylum.

Territorial
Insane
Asylum
established.

Board of directors appointed.

§ 1941. s 2. Warren N. Dusenberry, of Utah county; William R. Smith, of Davis county; Robert T. Burton, of Salt Lake county; John R. Winder, of Salt Lake county; William W. Burton, of Weber county; and James Dunn, of Utah county; are hereby constituted a board of directors of the Territorial Insane Asylum, and shall hold their office until their successors, who shall be elected by the Legislative Assembly, and whose term of office shall be four years, shall be elected and qualified. At said election such choice shall be made that three of the persons comprising the board of directors shall always consist of citizens of the county in which said asylum shall be situated. They shall be divided into two classes, in the order of their names as herein recorded: The first, second and third named shall go out of office at the expiration of two years from the passage of this act; the fourth, fifth and sixth shall go out of office at the expiration of four years from the passage of this act; *Provided*, That the Governor of this Territory shall be and is hereby made ex-officio a member of said board.

Successors, how elected; term of office, etc.

Governor of Territory a member of board.

Vacancies, how filled.

§ 1942. s 3. In case of a vacancy occurring in said board, when the Legislature is not in session, said board may fill such vacancy until the next session thereof, and then the Legislature shall proceed to fill such vacancy.

Directors to take oath of office.

§ 1943. s 4. The directors shall qualify by taking an official oath within twenty days after their appointment, which shall be filed with the auditor of public accounts of this Territory; and within thirty days after their appointment, they shall meet and organize, by selecting of their number a president, who shall preside at their meetings, and perform such other duties as may be prescribed by the by-laws; they shall, at the same time and place, elect from their number a vice-president, who shall perform the duties of the president in his absence.

When to organize.

May elect officers.
March 11, 1886.

Site for asylum to be selected.

§ 1944. s 5. The directors shall proceed to make a selection of a site for said asylum, which selection of site shall be confined to that portion of this Territory embraced in the counties of Salt Lake, Utah, Davis and Weber; the directors being authorized, upon the above-named basis, to fix more definitely the limits to the territory to be admitted in the selection of said site. In making a selection for a site for said institution, the directors shall not be influenced by any offers of money or property, but shall decide upon said site

solely upon the grounds of healthfulness, adaptability to the purposes of the institution, cost of material for construction and convenience of access from the different portions of this Territory. They shall have power to receive by gift or to contract for and to make purchase of such site for the location of said asylum.

§ 1945. s 6. The directors shall procure and adopt plans, drawings and specifications for the construction of the asylum buildings, and the improvement of the grounds, and shall make provision for the erection of the buildings, and cause the same to be carried out in accordance with such plans and specifications, and on such terms as they may deem proper; *And further provided*, That the directors shall not adopt any plans for the asylum or other buildings that will not secure the building and finishing of at least one section thereof, suitable for the accommodation and treatment of patients, with the appropriation named in this act.

Directors to procure and adopt plans, etc., and provide for erection of buildings.

§ 1946. s 7. The directors and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contract for labor in the erection of said asylum, nor in any contract for any labor, material or supplies for the maintenance thereof.

Directors shall have no interest in contracts, etc.

§ 1947. s 8. The plans and specifications for said asylum shall be upon the basis of accommodating not exceeding two hundred and fifty patients at any one time.

Number of patients to be provided for.

§ 1948. s 9. The board of directors shall be known by the name and style of the Board of Directors for the Insane Asylum, and by that name they and their successors shall be known in law, may sue and be sued, in any of the courts of this Territory, and may receive, take and hold property, both real and personal, in trust for the Territory, and for the use and benefit of said asylum. They shall have power to govern, manage and administer the affairs of said asylum, and make and adopt by-laws for their own government and the government of said asylum, not repugnant to the laws of the United States or of this Territory. They shall cause to be kept by the secretary a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. They shall hold stated meetings at the asylum quarterly at such time as may be prescribed by the by-laws, and a majority of the board shall con-

Style of board of directors, their powers and duties.

stitute a quorum for the transaction of business; they shall make thorough inquiry into all the departments of labor and expense, and a careful examination of the buildings, property and general condition of the asylum; they shall submit to the Legislative Assembly during the first ten days of its session in the year 1890, and biennially thereafter, a report showing the receipts and expenditures, and the general condition of the asylum, the number of patients under treatment during the two preceding years and such other matters touching the general affairs of the asylum, as they may deem advisable. The board of directors shall elect a medical superintendent whose term of office shall be four years and until his successor is elected and qualified, and thenceforth the directors shall elect the medical superintendent when it becomes necessary by the expiration of his term of office or by the occurrence of a vacancy in said office.

§ 1949. s 10. Upon receipts of the bids advertised for furnishing provisions, fuel and clothing; the board of directors shall examine the same and award the contracts to the lowest responsible bidders, upon their giving to the board of directors satisfactory security for the faithful fulfillment of the same.

§ 1950. s 11. At the regular meetings of April and October of each year the board of directors shall certify to the auditor of public accounts, the number of indigent patients, also the number of patients who pay a part, and the amount paid by each; also the number of officers and other employees of the institution and the salary paid to each.

§ 1951. s 12. The board of directors may order the sale of any stock or produce of the farm or garden, or any perishable property, when in their judgment it is necessary for the interests of the asylum so to do.

§ 1952. s 13. All moneys belonging to the Territory, coming into the hands of the directors, other than that appropriated to the asylum, shall be kept by them in a separate fund, known as the contingent fund, and the same shall be expended by the board of directors, at such times and in such manner as the said board believes to be for the best interests of the asylum, for the improvement thereof. A full, strict and itemized account of all such receipts and expenditures shall be included in their biennial report to the Legislature.

§ 1953. s 14. Upon the receipt from the medical superintendent of the estimate for the probable expense of the asylum as provided in section 25; the board of directors shall make an examination thereof, and if found correct shall approve the same and shall certify such action to the auditor of public accounts who shall fill the same and if there be funds in the Territorial treasury, which have previously been appropriated by the Legislative Assembly for the maintenance of such asylum, shall draw his warrants for the amount of said estimate, payable to the Territorial insane asylum, and the Territorial treasurer is authorized and directed to pay the same as provided by law.

§ 1954. s 15. Each director shall receive as his compensation four dollars per diem for each meeting of the board at which he shall be present, payable out of any moneys in the treasury of the asylum, not otherwise appropriated; *Provided*, That any director, whose residence is out of the county in which the asylum is situated, shall be allowed for traveling expenses mileage at the rate of ten cents per mile for one way only for the distance necessarily traveled in attending the meetings of the board.

Compensation
of directors.

§ 1955. s 16. The board of directors shall elect a treasurer who shall not be of their number, and who shall hold his office for two years and until his successor is elected and qualified. Before entering upon his duties the treasurer shall qualify by taking the usual oath of office, and shall give bonds with good and sufficient sureties in a sum not less than ten thousand dollars, payable to the Territory of Utah, to be approved by the auditor of public accounts, conditioned for the faithful performance of his duties according to law, and for the delivery to his successor of all books, papers, vouchers, moneys and effects held by him by virtue of his office. The board of directors may increase the amount of the bond of the treasurer, and may require additional surety at any time; and they may remove him for good and sufficient cause. The treasurer shall render to the board of directors quarterly, at such time as may be prescribed by the by-laws, a detailed statement of the moneys received and disbursed by him during the preceding quarter. He shall, by order of the board of directors, receive from the Territory all moneys appropriated to the use of the asylum and receipt therefor. He shall receive, collect and disburse all moneys due and belonging to

Treasurer to
be elected, his
duties.

the asylum. Also in the name of the asylum he shall bring suit for the recovery or breach of any contract, bond or other obligation made in favor of said asylum; and no money shall be paid out by the treasurer except upon the order of the board of directors, which order shall be spread upon the minutes. He shall certify to the auditor of public accounts on the first day of January, April, July, and October of each year, the amount (not previously certified to by him) due to said asylum, and shall perform such other duties as the board of directors may require. He shall have a yearly salary to be fixed by the board of directors, payable quarterly out of any money in the treasury of the asylum not otherwise appropriated.

Secretary, his duties.

§ 1956. s 17. The board of directors shall elect a secretary who shall not be of their number, and who shall have charge of the books and accounts of the board of directors he shall keep a record of their proceedings at all stated and called meetings, and shall perform such other duties as the by-laws may prescribe or the board of directors may require; he shall have such salary or compensation for his services, payable quarterly as may be fixed by the board of directors.

Directors to have control of insane persons

§ 1957. s 18. The board of directors shall have the supervision and control of all insane persons committed to its charge, whether confined in the Territorial asylum or other house or place.

To furnish blanks.

§ 1958. s 19. The board of directors shall provide for furnishing probate judges of the several counties entitled to send patients to the asylum, with such blanks, warrants, certificates, etc., as will enable them with regularity and facility to comply with the provisions of this chapter.

When patient refused for want of room, the fact to be certified.

§ 1959. s 20. Whenever any patient committed to the asylum is refused admission therein for want of room, the board of directors shall certify such fact to the parties liable for the costs of his care and keeping.

Directors may remove officer or employee

§ 1960. s 21. The directors may remove any officer or employee of the asylum by a vote of five-sevenths of their number, for habitual and wilful neglect of duty, or for refusal to comply with the requirements of the laws, by-laws or regulations made for the establishment and government of the institution.

§ 1961. s 22. The board of directors may order the re-^{May order re-}moval of any patient who is harmless or incurable, to the ^{removal of}county from whence he came after due notice thereof, given to the probate judge of such county. ^{patient.}

§ 1962. s 23. Non-residents of this Territory conveyed ^{Non-residents.} or coming here while insane, may upon the written recommendation of the county court of the county in which such insane person is found, be returned by the directors to the home or friends of any such insane person, if known, but must not be committed to or supported in the Territorial insane asylum, but this prohibition shall not prevent the commitment to and temporary care in said insane asylum of persons stricken with insanity while traveling through or temporarily sojourning in the Territory.

§ 1963. s 24. The medical superintendent shall be a well ^{Medical super-}educated and experienced physician and a graduate in medicine, ^{intendent.} and shall have practiced at least five years from the date of his diploma; he shall be the chief executive officer of the asylum; he shall have the general srperintendence of the buildings, grounds and property thereof, subject to the laws and regulations of the directors; he shall have control of the patients, prescribe and direct their treatment, adopt sanitary measures for their welfare, and discharge such as in his opinion ^{His duties.} have recovered their reason; he shall appoint with the approval of the directors as many attendants as he may deem necessary, for the efficient and economical care and management of the asylum, and with the consent of the board of directors fix their compensation and discharge any of them; he shall prescribe the duties of the subordinate officers and employees, maintain discipline among them and enforce obedience to the laws, rules and regulations adopted for the government of the institution; he shall estimate quarterly in advance the probable expense of the asylum and submit the same to the board of directors for their approval.

§ 1964. s 25. The medical superintendent shall estimate ^{Same.} and report to the directors the amount, kind and quality of provisions, fuel and clothing required for the six months ending on the last day of April and October of each year, and when approved by the directors, the medical superintendent shall immediately advertise for contracts for furnishing said supplies for three successive weeks in some newspaper published in the Territory and having general circulation

therein. Necessary expenditures other than those for provisions, fuel and clothing may be made by the medical superintendent subject to the approval of the board of directors. The medical superintendent shall cause to be kept full and correct accounts and records of his official transactions from day to day in books provided for that purpose, in the mode prescribed in the by-laws and he shall report to the board of directors quarterly, including vouchers for expenditures during said quarter; he shall see that his accounts are made up to the 30th day of November of each year, and shall submit his annual report to the board of directors immediately; he shall visit the asylum every day in the year unless he obtain leave of absence from the president of the board of directors in which event the assistant physician shall discharge his duties; he shall receive an annual salary to be fixed by the board of directors, payable monthly as other attaches are paid.

Assistant
physician.

§ 1965. s 26. Whenever the board of directors shall deem it necessary they may upon the nomination of the medical superintendent elect an assistant physician, who shall be a graduate in medicine; his salary shall be fixed by the board of directors to be paid in the same manner as other employees; he shall, in the absence of the medical superintendent, make daily visits to the asylum, and when requested shall make such visits in company with the medical superintendent; he shall perform such other duties as may be directed by the medical superintendent and prescribed by the by-laws; his term of office shall be four years and until his successor is elected; the duties of medical superintendent, in his absence or sickness, shall be performed by the assistant physician.

Probate judge,
jurisdiction of
applications
for admission.

§ 1966. s 27. The judges of the probate courts shall have cognizance of all applications for admission to the asylum or for the safe keeping otherwise of insane persons within their respective counties, except in cases otherwise provided for. For the purpose of discharging the duties required of them, they shall have power to issue subpoenas and compel obedience thereto, to administer oaths, and do any act of a court, necessary and proper in the premises.

How applica-
tions made.

§ 1967. s 28. Applications for admission to the asylum must be made in the form of an information, verified by affidavit, alleging that the person in whose behalf the application is made is believed by the informant to be insane and

a fit subject for custody and treatment in the asylum, that such a person is found in the county and has a residence therein, if such is known to be the fact, and if such residence is not in the county, where it is, if known, or where it is believed to be, if the informant is advised on the subject.

§ 1968. s 29. On the filing of such information the probate judge of the county in which such person resides, if a resident of the Territory, and if a non-resident, then the probate judge of the county in which such person is found, may examine the informant under oath, and if satisfied there is reasonable cause therefor, shall at once investigate the grounds thereof. For this purpose he may require that the person for whom such admission is sought, be brought before him, and the judge may issue his warrant therefor to the sheriff or any constable of the county, which shall be in form as follows:

Territory of Utah }
County of _____, } ss.

To——greeting: You are hereby commanded to forthwith arrest——alleged to be an insane person, and bring him before me, and make due returns hereof.

Witness my hand and seal of the probate court of——county, this —— day of —— A. D. ——
——Probate Judge.

He may provide for the suitable custody of such person until the investigation shall be concluded. If he shall be of the opinion from such preliminary inquiries that he may make, that the presence of the accused would probably be injurious to such person, or attended with no advantage, he may dispense with such presence. In the examination he shall hear testimony for and against such application. Any citizen of the county, or any relative of the person alleged to be insane may appear and resist the application, and the parties may appear by counsel if they so elect. The probate judges shall cause to appear before him two practicing physicians in medicine, before whom the judge shall examine the charge, and if after a careful hearing of the case, and after a personal examination of the alleged insane person, the said physician shall certify on oath that the person examined is insane, and the case is of a recent or curable character, or

that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms the said insane person would be dangerous to his or her own life or to the lives or property of the community in which he or she may live, and in connection with their examination the said physicians shall endeavor to obtain from the relatives or others who know the facts, correct answers so far as may be, to the interrogations hereinafter required to be propounded in such cases, which interrogatories shall be attached to their certificates.

The physicians' certificate herein provided for shall be in form as follows:

Physicians' Certificate.

Territory of Utah, }
County of———, } ss.

——— and ——— being duly sworn, both certify, each for himself, that he is a practicing physician in medicine, that at the request and in the presence of Hon. ———, judge of ———, he has heard the testimony and personally examined the said ——— in reference to the charge of insanity, and both find that ——— is insane and so far disordered in his mind as to endanger health, person or property, and that said insanity is not a case of idiocy, imbecility, or simple feebleness of mind; the further facts appertaining to said case as nearly as can be ascertained are set forth in the answer of the following questions:

1. Name?
2. Age?
3. Nativity?
4. Married or single?
5. If children how many, their names, ages and residences?
6. If female and married, maiden name and name of husband?
7. What State last from, and how long in Utah?
8. What occupation?
9. What evidence have you of the presence of insanity?
10. Is there a homicidal, suicidal or incendiary disposition?
11. Is the case a recent one having occurred within twelve months last past?

12. When did this attack first appear?
13. Is this the first attack, if not when did others occur, and what their duration?
14. Is the disease increasing, decreasing or stationary?
15. Are there rational intervals, if so do they occur periodically?
16. Is there any permanent hallucination, if so what is it?
17. In what way is the accused dangerous to be at large?
18. Is there a disposition to injure others, if so is it directed especially to relatives? Is it from sudden passion or premeditated?
19. If suicidal, is the propensity now active and in what way?
20. Is there a disposition to filthy habits, destruction of clothing, furniture, etc?
21. Have any relatives, including grand parents and cousins been insane?
22. Any peculiarity of habits, temper, disposition, etc., or pursuits or religious impressions?
23. Been intemperate in the use of ardent spirits, wine, opium or tobacco in any form?
24. Suffered from epilepsy, suppressed secretions, eruptions, discharges or sores or injured in the head.
25. Any change in the physical health since the attack?
26. The supposed cause of insanity?
27. Of what class of insanity?
28. What treatment has been pursued, and with what effect.
29. Post office address, street and number of house of relative or friend.

_____, M. D.

_____, M. D.

Subscribed and sworn to before me this _____ day of _____, A. D. ____.

_____-Probate Judge.

§ 1969 s 30. On the return of the physicians' certifi-^{Same.}cate the probate judge shall as soon as practicable conclude his investigations and shall find whether the person alleged to be insane is insane, whether if insane a fit subject for treatment and custody in the asylum, whether the residence of such person is in such county and if not in such county,

where it is, if ascertained. If he find such person is not insane, he shall order his immediate discharge, if in custody. If he find such person insane and a fit subject for custody and treatment in the asylum, he shall order said person to be committed to the asylum, except as in section 25 of this act provided, and unless said person so found to be insane (or someone in his or her behalf) shall appeal from the finding of said judge to the district court of the judicial district in which such judge resides, the judge shall forthwith issue his warrant, with duplicate thereof, stating such findings with the residence of the person, if found, which warrant shall be in the following form, viz:

Warrant of Commitment.

Territory of Utah, }
County of ———, } ss.

——— I, ——— probate judge of the county of ———, Territory of Utah, upon affidavit of ———, caused to be brought before me for examination on a charge of insanity, and having heard the testimony of ——— and ———, witnesses who have been acquainted with the accused during the alleged insanity, and Drs. ——— and ———, practicing physicians, after hearing the testimony of witnesses and after a personal examination of the accused and having made the certificate by law required, find that the said ——— is insane, and is a fit subject for custody and treatment in the asylum, that the residence of ——— is in ——— county, Territory of Utah, and ——— is ——— indigent and is ——— able to bear the actual charges and expenses for the time ——— may remain in the asylum; I therefore order the said ———, a ——— male, aged ——— years, to be confined in the Territorial insane asylum at Provo city, and ——— is charged with the execution of this order.

Witness my hand this ——— day of ——— A. D. ———,
——— Judge of the Probate Court.

Money found
on insane per-
sons; form of
certificate of;
how disposed
of.

§ 1970. s 31. The probate judge shall transmit to the medical superintendent all money or other property found on the person of any insane person at the time of arrest and certify thereto in form as follows:

Territory of Utah, }
County of ———, } ss.

I, ———, probate judge of ——— county, certify that the sum of ——— dollars, and ——— property, was found

on the person of said ——— at the time of his arrest, which the said ——— is ordered to deliver to the medical superintendent of the Territorial insane asylum; that I have appointed ———, a guardian for said ———, and directed a quarterly payment in advance, together with a fund, to be forwarded to the said asylum with the said ——— as by law required of paying patients.

Witness my hand this ——— day of ———, A. D. ———.
 ——— Probate Judge.

The medical superintendent shall, upon receipt of such money or other property as herein provided, deliver the same to the treasurer to be applied to the payment of the expenses of said patient while in the asylum, but upon recovery of such insane person, all sums remaining unexpended, or other property, shall be returned to him when he is discharged from the asylum.

§ 1971. s 32. The probate judge shall deliver to the sheriff of the county, or other person appointed to execute the warrant, certified copies of the affidavit, warrant of commitment and a certificate of property found on the person, and appointment of guardian, and the sheriff or other person appointed shall execute the aforesaid warrant by conveying such person to the asylum and delivering him with such affidavit, commitment and certificates to the medical superintendent thereof. The medical superintendent shall acknowledge such delivery on the original warrant which the sheriff shall return to the clerk of the probate court with his costs and expenses endorsed thereon. The sheriff shall be allowed for his personal service in conveying a patient to the asylum and returning therefrom, at the rate of three dollars for the necessary time actually employed, and mileage at the rate of seven cents per mile for the distance actually and necessarily traveled. In the absence of the sheriff or his deputy or their inability to act, the probate judge may appoint some suitable person to execute the warrant, who shall take and subscribe an oath to discharge the duties thereof, he shall be entitled to the same fees as the sheriff or other persons so appointed; may by consent of the probate judge, take to his aid such assistance as he may need to execute said warrant; *Provided*, That no female shall be thus taken to the asylum, without the attendance of some other female or some relative. The medical superintendent shall

Delivery of patients to asylum; the authority and accompanying papers.

How female taken to asylum.

in his acknowledgment of delivery state whether there was such person in attendance, and give the name and names, if any, but if any relative or immediate friend of the patient who is a suitable person shall so request, he shall have the privilege of executing such warrant in preference to the sheriff or any other person taking such oath, and for so doing he shall be entitled to his necessary expenses but no fees.

When insane person has property sufficient to pay charges and expenses; guardian to be appointed.

§ 1972. s 33. In case an insane person committed to the asylum under the provisions of this act, shall be possessed of real or personal property sufficient to pay such charges and expenses, the judge shall appoint a guardian for such person who shall be subject to all the provisions of the general laws of this Territory in relation to guardians as far as the same are applicable, and when there is not sufficient money in the hands of the guardian, the judge may order a sale of the property of such insane person, or so much thereof as may be necessary, and from the proceeds of such sale the guardian shall pay to the board of directors the sum fixed upon by them, quarterly in advance, for the care and keeping of such ward, and he shall, out of the proceeds of such sale or such other funds as he may have belonging to his ward, pay for such clothing as the medical superintendent shall from time to time furnish such patient; *Provided*, That if such insane person have a family in this Territory no such order of sale shall be had of any property exempt from execution and forced sale.

Guardian to give bond; form of

§ 1973. s 34. The guardian shall give a bond with good and sufficient sureties, payable to the treasurer of the asylum, and approved by the probate judge, for the faithful performance of the duties required of him by this act. So long as the property of his insane ward is sufficient for the purpose, the form of such bond shall be as follows:

(Printed form) Bond.

Know all men by these presents:

That whereas, ——— of ——— in the county of ——— an insane person, has been admitted as a patient in the Territorial insane asylum for Utah Territory, situated at Provo city, in said Territory, in consideration of the following agreement:

Now therefore, we, the undersigned, in consideration thereof, jointly and severally bind ourselves to ——— treasurer

of said asylum, to pay to him and his successors in office the sum of ——— dollars and ——— cents per week for the care and board of said insane person, so long as ——— shall continue in said asylum, and his property is sufficient for that purpose, with such extra charges as may be occasioned by requiring more than ordinary care and attention, and to provide with suitable clothing, and also to pay all expenses incurred by sending said patient to ——— friends, in case one or either of us shall fail to remove said patient when required to do so as aforesaid, and if———shall be removed at the request of friends before the expiration of three calendar months after reception, then to pay board for thirteen weeks, unless ——— shall be sooner cured, and also to pay not exceeding fifty dollars, for all damages ——— may do to the furniture or other property of the asylum, and for reasonable funeral expenses in case of death. Such payments for board and clothing to be made quarterly, on the first days of——— in each year, and at the time of removal, with interest on each bill from and after the time it becomes due.

In witness whereof, we have hereunto set our names, this———day of———, in the year———.

Name———.

P. O.———.

Name———.

P. O.———.

Territory of Utah, }
County of———, } ss.

———being duly sworn, deposes and says, that he is a resident in this Territory as a freeholder therein, and is worth the sum of one thousand dollars, over and above all his debts and liabilities, exclusive of property exempt from execution.

Subscribed and sworn to before me this———day of———
———.

———[SEAL.]

Territory of Utah, }
County of———, } ss.

———, being duly sworn, deposes and says, that he is worth the sum of one thousand dollars over and above all his debts and liabilities, exclusive of property exempt from execution.

Subscribed and sworn to before me this _____ day
of _____

_____ [SEAL.]

This will certify that I am personally acquainted with
_____ and _____ the signers of the above bond, and con-
sider each of them fully responsible for the prompt discharge
of its obligations.

Name _____.

Office _____.

P. O. _____.

Provided, That when the property in the hands of the
guardian subject to sale shall be exhausted, the probate judge
shall give notice thereof to the board of directors, and there-
after the Territory shall be liable for the costs of care and
keeping of the indigent insane.

Papers to be
furnished to
parties liable
for expenses.

§ 1974. s 35. Upon the commitment of any person to
the Territorial insane asylum the probate judge who com-
mitted such person shall immediately transmit a copy of the
affidavit, physicians' certificate and warrant of commitment to
the parties liable for the cost of, commitment, and care and
keeping of such insane person in the asylum. If at any time
subsequent to the commitment of an insane person in the
asylum, it shall come to the knowledge of the probate judge
committing such person, that he has a residence in some other
county of the Territory, or that any person is liable for the
cost of commitment or care and keeping of the person com-
mitted, he shall forthwith transmit to such county or person
a copy of the affidavit, warrant of commitment and certificate
aforesaid. As also the amount of costs for which the per-
son or county is liable.

Kindred of in-
sane person
may receive
him from asy-
lum; bond to
be given; form

§ 1975. s 36. The kindred or friends of an inmate of
the asylum may receive such inmate therefrom upon giving
satisfactory evidence to the probate judge issuing the commit-
ment, that they are capable and suitable to take charge of and
give proper care to such insane person, and upon giving a
bond to said court in the following form:

Territory of Utah, }
County of _____, } ss.

Know all men by these presents, that we _____ and _____
as principal and _____ as sureties, are held and firmly bound
unto the people of the Territory of Utah in the sum of _____
dollars lawful money of the United States of America, to be
paid to the treasurer of the Territorial insane asylum for

which payment well and truly to be made, we bind ourselves our executors and administrators, jointly and severally firmly by these presents, sealed with our seals and dated this—— day of——A. D.——.

The condition of the above obligation is such that whereas an order was made by the probate judge of——county, Territory of Utah, directing the medical superintendent of the Territorial insane asylum to deliver the person of——an insane person to——the——of said insane person, the said order being that the said——will take charge of and properly care for the said——that he will obey all orders of the said judge of the probate court relating to the proper care and custody of said patient, and that he will return said ——to the asylum when so ordered by the said judge and will obey the laws of the Territory relating to insane persons.

Now therefore, if the said——shall faithfully perform the duties and comply with the requirements therein set forth, then this obligation shall be void and of no effect, else to remain in full force and virtue.

Signed, sealed and delivered in presence of:

_____	_____	[SEAL.]
_____	_____	[SEAL.]
Territory of Utah,	} ss.	_____ [SEAL.]
County of _____,		_____ [SEAL.]

——and——being duly sworn, each deposes and says that he is a resident of this Territory and a freeholder therein and is worth the sum of ——dollars over and above all his debts and liabilities, exclusive of property exempt from execution.

Subscribed and sworn to before me, this —— day of ——.

——Probate Judge.

On filing the foregoing bond and making proof as herein required, the probate judge shall issue his order to the medical superintendent directing him to deliver said insane person to the party making the application, for the custody of said insane person, which order shall be in the following form:

Territory of Utah,	} ss.
County of——,	

To the medical superintendent of the Territorial insane asylum:

Whereas,——has made application for the custody of ——, an insane person who was by me committed to the

Territorial insane asylum on the——day of——, and he having complied with the provisions of the law in such cases made and provided, you are hereby directed to deliver the said——an insane person, to——.

——Probate Judge.

And if after such removal, it is brought to the knowledge of the judge, that the person thus removed is not cared for properly, or is dangerous to persons or property, by reason of such want of care, he may order such person returned to the asylum; *Provided*, No patient who may be under a criminal charge or conviction, shall be discharged from the asylum without the order of the court having jurisdiction of such case.

Discharge on showing that patient not insane.

§ 1976. s 37. When it shall appear upon affidavit filed or other evidence, that any person is not insane and is unjustly deprived of his liberty, the board of directors shall order an immediate inquiry into the merits of the case by the probate judge of the county in which such insane person is held, and for the purpose of such inquiry, said judge is hereby invested with authority to make all orders necessary for the proper discharge of said duty.

If on such examination it shall appear to said judge that the said person is not insane, he shall order his immediate discharge, by using the following order, to-wit:

Territory of Utah, }
County of——, } ss.

Form of order.

To the medical superintendent of Territorial insane asylum, greeting:

Having this day examined——, a person heretofore committed to the insane asylum, and having adjudged the said—— as being now sane and restored to reason, you are therefore directed to return said——to the county of——, at the expense of said county.

——Probate Judge.

If found to be insane they shall order his continued detention, and may order the parties demanding such inquiry to pay the costs of the examination.

Precedence when not sufficient room.

§ 1977. s 38. When there is not sufficient room to accommodate all who are committed to the asylum as provided by law, they shall take precedence in the following order:

1. Recent or curable cases.
2. Violent or dangerous cases.
3. Indigent patients.
4. Pay patients.

§ 1978. s 39. The provisions herein made for the support of the insane at public charge shall not release the estate of such persons from liability for their support, and the Territorial auditor of public accounts is authorized and empowered to collect from the estate of such persons any sums paid by the Territory in their behalf.

Provisions herein for indigent not to relieve estate of patient.

§ 1979. s 40. No case of infectious or contagious disease shall be admitted into the asylum.

Infectious and contagious cases excluded.

§ 1980. s 41. The relatives or friends of any patients of the asylum shall have the privilege of paying any portion or all the expenses of such patients therein, and the medical superintendent shall cause the account of such patient to be credited with any sum so paid. If the relatives or friends of any patients shall desire it, and shall pay the expenses thereof, such patient may have special care and may be provided with a special attendant as may be agreed upon with medical superintendent, in such cases the charge for such special care and attendance shall be paid quarterly in advance, and the medical superintendent shall make report thereof to the board of directors.

Relatives or friends may pay towards expenses, and credit to be given.

§ 1981. s 42. Upon receipt of the copy of affidavit and warrant of commitment from the probate judge, the parties therein charged with the cost of commitment and of care and keeping, or any other persons acting in behalf of such persons committed, may appeal from any order made in such commitment to the district court for the district wherein such patient may reside, by filing with the probate judge committing such patient, within ten days thereafter, a notice setting forth the order from which such appeal is taken; if such notice be not given within the time herein prescribed, such parties shall be deemed to have waived such right of appeal and shall be bound by all orders made in such warrant of commitment.

Parties receiving papers are liable for charges; may appeal.

§ 1982. s 43. All resident officers, attendants, assistants and employees in the institution shall be exempt from jury service during the term of such employment.

Officers, etc., exempt from jury duty.

Insane persons
at large may
be arrested.

§ 1983. s 44. Any insane person found at large and not in care of some proper person, shall be arrested by any peace officer, and shall be immediately taken before the probate judge of the county in which such arrest is made.

Persons not to
be restrained
of liberty on
charge of in-
sanity except
under this act.

§ 1984. s 45. No person supposed to be insane shall be restrained of his liberty by any other person, otherwise than in pursuance of authority obtained, as herein provided, excepting for such brief period as may be necessary for the safety of persons and property and until such authority can be obtained.

Fees of
examining
physician.

§ 1985. s 46. Examining physicians shall be allowed by the county court of the county in which the examination is had, five dollars each, unless they are otherwise paid.

County to pay
costs, etc., and
how to be re-
imbursed.

§ 1986. s 47. All costs for the examination and commitment, also for suitable clothing at the time of commitment, which shall be furnished by the medical superintendent, shall be paid by the county of which such patient is a resident. If he be not indigent the county shall receive the cost thereof from the party liable therefor.

Probate judge
when to make
enquiries.

§ 1987. s 48. On information laid before the probate judge of any county, that a certain insane person in the county suffering for want of proper care, the said judge shall forthwith enquire into the matter, and if he find the information well founded, he shall make all needful provision for the care of said person.

Provide for in-
sane excluded
for want of
room.

§ 1988. s 49. On receipt of notice from the board of directors that any person committed to the asylum is refused admission therein for want of room, the probate judge shall require that such patient be suitably provided for, until such admission can be had or until the occasion therefor no longer exists. If such person is indigent, the county shall be entitled to receive from the Territory, a sum equal to the amount allowed by the Territory for cost of, care and keeping of indigent patients in the insane asylum.

Penalty for
attempting to
introduce
person into
asylum con-
trary to act.

§ 1989. s 50. If any person shall in any wise attempt to introduce another into the asylum contrary to the provisions of this act, such person shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum more than fifty dollars and less than three hundred dollars.

Penalty for
wanton cruelty
to person re-
strained as in-
sane.

§ 1990. s 51. Any person having care of an insane person and restraining said person either with or without authority; who shall treat such person with wanton severity

harshness or cruelty, or shall in any way abuse such insane person shall be guilty of a misdemeanor, besides being liable in an action for damages.

§ 1991. s 52. If any person shall without permission enter any of the buildings or enclosures appropriated to the use of the patients, or shall make any attempt to do so, or shall enter anywhere upon the premises belonging to said asylum, and commit, or attempt to commit, any trespass or depredation thereon, or if either from within or without the enclosure wilfully annoy or disturb the peace or quietness of the institution or any patient therein, upon conviction thereof before any justice of the peace, he may be fined in any sum not less than five dollars nor more than fifty dollars, or may be imprisoned not less than five nor more than fifty days, or both such fine and imprisonment in the discretion of the court.

Penalty for unlawful entry into asylum premises.

§ 1992. s 53. If any person shall abduct or induce any patient to elope or escape from said asylum or shall attempt to do so or shall aid or assist therein, he shall, upon conviction thereof, be fined in any sum over fifty dollars, and less than three hundred dollars, or be imprisoned not less than fifty days or more than six months, or both such fine and imprisonment in the discretion of the court.

Penalty for inducing patient to elope.

§ 1993. s 54. Whoever shall bring or cause to be brought into any county in this Territory, any pauper, idiotic or insane person with the intent to make him a charge upon the Territory, or any county thereof, shall be fined one hundred dollars, besides being liable at the suit of the Territory or county as the case may be, for all damages incurred thereby, besides the cost of transportation to the place from whence he came. The county courts are hereby invested with authority to transport such pauper, idiot or insane person to the place from whence they came.

Penalty for bringing pauper into county to be charge there.

§ 1994. s 55. Any person refusing or neglecting to comply with, or wilfully and knowingly violating any of the provisions of this act, except where another penalty is herein provided, shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars, or be imprisoned not more than three years, or both such fine and imprisonment at the discretion of the court.

Penalty for other violations of act.

§ 1995. s 56. This act shall take effect upon its approval by the Governor.

[Approved, March 8, 1888.]

CHAPTER IX.

AN ACT PROVIDING FOR NEGOTIATING A LOAN FOR CERTAIN
PUBLIC PURPOSES.

SECTION.

1996 Loan commissioners appointed.
 1997 Duties of.
 1998 Bonds, how issued and paid.
 1999 Coupons for interest to be at-
 tached.
 2000 Treasurer to advertise sale of
 bonds; bids to be opened and
 awarded.
 2001 Commissioners to provide en-
 graved bonds; treasurer to give
 additional bonds.

SECTION.

2002 Auditor to draw warrant for
 interest semi-annually.
 2003 Redemption fund provided.
 2004 Treasurer must call bonds.
 2005 Loan commissioners to report
 biennially.
 2006 Bonds not to be taxed.
 2007 When act takes effect.

Preamble.

§ 1996. s 1. Whereas, for the advancement of education, the Territory has expended the sum of eighty thousand dollars, towards the construction of a Territorial University, which is still incomplete, and whereas, for the protection of society and the reformation of juvenile offenders, a reform school is deemed a necessity, and whereas, for the best interests of the Territory, and for the promotion of agriculture, this Legislative Assembly has appropriated a large sum to establish an agricultural college, and an agricultural experiment station, and, whereas, the education of the deaf mutes of the Territory should be provided for, the Governor and secretary, and their successors in office, and D. H. Peery, P. T. Farnsworth and James Sharp, shall constitute a board of commissioners to be styled the Loan Commissioners of the Territory of Utah, and shall exercise the powers and perform the duties hereafter provided.

Loan commis-
 sioners ap-
 pointed.

Duties of loan
 commissioners

§ 1997. s 2. It shall be and is hereby declared the duty of the loan commissioners to provide for negotiating a loan for the Territory, in a sum not to exceed one hundred and fifty thousand dollars, by the issuing of negotiable coupon bonds of this Territory. *Provided*, That said commission shall not issue bonds for a greater sum than shall be set apart in appropriations at this session of the Legislature for the aforesaid purposes.

§ 1998. s 3. Said bonds shall be issued in denominations of one thousand dollars, and shall bear interest at a rate to be fixed by said loan commissioners, but in no case shall exceed five per cent. per annum which shall be paid semi-annually at the Deseret National Bank in Salt Lake city, Utah Territory, or at such bank in the city of New York, State of New York, as may be designated by said loan commissioners, at the option of the purchasers of said bonds, place of payment to be mentioned in the bonds, on the first day of January and July of each year; the principal of said bonds shall be made payable in lawful money of the United States within twenty years after the date of the issue; they shall bear the date of their issue, state when, where and to whom payable, rate of interest and when and where payable, and shall be signed by the loan commissioners and have the seal of the Territory affixed thereto, and countersigned by the Territorial treasurer, and bear his official seal, and shall be registered by the Territorial auditor in a book kept by him for that purpose, and the faith and credit of the Territory is hereby pledged for the payment of said bonds and the interest accruing thereon as herein provided.

Bonds, how
issued and
paid.

§ 1999. s 4. Coupons for the interest shall be attached to each bond so that they may be removed without injury or mutilation to the bond; they shall be consecutively numbered and bear the same number of the bond to which they are attached. The said coupons shall cover the interest expressed in said bond from the date of the issue until paid; but in no case shall said bonds bear interest nor shall any interest be paid thereon for any time before their delivery to the purchaser as hereinafter provided.

Coupons for
the interest to
be attached.

§ 2000. s 5. Whenever the said loan commissioners shall have arranged to make a loan of said sum of one hundred and fifty thousand dollars, or any part thereof, they shall direct the Territorial treasurer to advertise for a sale of the bonds to be issued for that purpose, by causing a notice of said sale to be published for the period of one month in the three daily newspapers published in Salt Lake city, the capital of the Territory, and at least ten insertions in a newspaper published in New York city, in the State of New York; in the city of San Francisco, in the State of California, and in the city of Boston, State of Massachusetts; such notices shall specify the amount of bonds to be sold, the rate of interest they shall

Treasurer to
advertise a
sale of the
bonds.

Notice of sale,
where pub-
lished.

Notice must
specify what

bear, the place, day and hour of sale, and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication in Salt Lake papers, and at the place and time named in said notice, the said treasurer and loan commissioners shall open all bids received by him and shall award the purchase of said bonds, or any part thereof, to the highest bidder or bidders therefor; but in no case shall said bonds be sold for less than their face, or par value, and the accrued interest at the time of their disposal; *Provided*, That said loan commissioners shall have the right to reject any and all bids and, *Provided further*, That they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for the compliance with the terms of their bids.

Treasurer and commissioners to open bids and award purchase.

Commissioners to provide engraved bonds.

Incidental expenses how paid.

After signing bonds shall deliver them to treasurer.

Treasurer to give additional bond.

Auditor to draw warrant for interest semi-annually

Appropriation for interest.

§ 2001. s 6. When a sale of said bonds or any of them shall be awarded by the loan commissioners, they shall provide the necessary engraved bonds as in this act provided, and any expense incurred by them for the publication of said notices, costs of remitting funds for the payment of interest or money on said bonds and all other incidental expenses under the provisions of this act, shall be paid out of the general fund of said Territory, upon the order of the Territorial auditor, and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said funds. They shall from time to time after signing said bonds, deliver them to the Territorial treasurer, taking his receipt therefor and charge him therewith; before the issuance of any such bonds the said treasurer shall give to the Territory of Utah an additional official bond with two or more sureties in the sum of one hundred and fifty thousand dollars, which bond shall be approved by the Governor and deposited and filed with the secretary of the Territory, and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon his official bond for the faithful performance of the duties required of him under this act.

§ 2002. s 7. The Territorial auditor shall draw his warrant on the Territorial treasurer, payable to the order of said treasurer for the amount of interest which shall fall due on the first day of January and July of each year, which said interest warrant shall be drawn at least one month previous to the maturing of the interest, and the sum of seven thousand five hundred dollars, or so much thereof as may be neces-

sary, is hereby appropriated and set aside from the general fund of the Territory from year to year, to pay the interest upon said bonds.

§ 2003. s 8. At the expiration of ten years after the issuing of said bonds there shall be set apart and is hereby appropriated, out of the general funds in the hands of the Territorial treasurer, annually not less than the sum of fifteen thousand dollars, to be drawn on the warrant of the auditor to pay the principal of said bonds as the same shall fall due or be called for as provided in this act. Said amount shall be held and placed by the treasurer in a fund to be known as the redemption fund for the redemption of said bonds; *Provided*, That the provisions of this section shall not be construed to prohibit the Legislature from making provisions for the redemption of any or all of said bonds after the expiration of said ten years. After ten years a redemption fund provided.

§ 2004. s 9. Whenever, after the expiration of ten years from the date of issuance of any bonds under this act, there is available as provided in the preceding section, the sum of fifteen thousand dollars or more, it shall be the duty of the Territorial treasurer to advertize as in the manner of the advertizing by the loan commissioners for bids for sale of bonds, which advertisement shall state the amount of money in the said redemption fund and the number of bonds, numbering them in the order of their issuance, commencing at the highest number then out-standing, which such fund is set apart to pay and discharge, and the date when they will be paid, and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation, at the expiration of the date mentioned in the publication, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any such bond shall be paid, they shall be presented to the Territorial auditor, who shall endorse on each bond the amount due thereon and shall write across the face of each bond the date of its surrender and the name of the person surrendering; the Territorial treasurer shall within ten days after the sale of any such bonds, file with the Territorial auditor a verified statement showing their number, rate of interest, date and amount of sale, when, where and to whom payable, and the Territorial auditor shall keep a record of all bonds issued and disposed of After ten years if funds are available, treasurer must call for bonds.

Called bonds not to draw interest after date set for payment.

Before any bond is paid auditor shall endorse same.

Treasurer must file with auditor statement of bonds sold.

Auditor shall keep record of bonds issued.

by the Territorial treasurer, showing their number, rate of interest, date and amount of sale, when, where, and to whom payable, and when presented for redemption; the date, amount due thereon, and person surrendering.

Loan commissioners to report biennially to Legislature.

§ 2005. s 10. It shall be the duty of said board of loan commissioners to make a full report of all their proceedings, had under the provisions of this act, biennially to the Territorial Legislative Assembly, upon the first day of the session.

Bonds not to be taxed.

§ 2006. s 11. No bonds issued under the provisions of this act shall be taxed for any purpose within this Territory.

Act takes effect, when.

§ 2007. s 12. This act shall be in force from and after its approval.

CHAPTER X.

GENERAL REVENUE FOR TERRITORY, COUNTIES AND SCHOOLS.

SECTION.

- 2008 Rates of taxation.
- 2009 All property taxable, except specified exemptions.
- 2010 Property, including money, to be assessed at cash value; listed as real estate and personal estate; valued as of the first of January: debts owing to be deducted.
- 2011 Stocks and bonds, how and where to be assessed; trust property.
- 2012 Taxes a paramount lien.
- 2013 Real estate, how referred to.
- 2014 Property of corporations assessed to same extent as property of natural persons.
- 2015 Railroads, how assessed; president to furnish statement.
- 2016 Property of other than railroad corporations situated in several counties, how assessed.

SECTION.

- 2017 Statement to be furnished on notice.
- 2018 Assessors and collectors, when to be elected; how to qualify and enter upon duties.
- 2019 Amount of bond, how determined.
- 2020 County court to fill vacancies.
- 2021 Compensation.
- 2022 Deputies; principals and deputies may administer oath.
- 2023 Assessor may leave blank with tax payer; penalty for making false list; county court to furnish books.
- 2024 Assessment list to be made between January 1, and first Monday of June; irregularities, etc., effect of.

SECTION.

- 2025 Property may be added at any time; in what cases tax may be collected at the time of making assessment.
- 2026 When assessor may collect taxes
- 2027 County court to hear complaints, fix compensation of assessors and collectors; determine rate of county tax; every tax payer to be notified; county court a board of equalization; powers and duties; may increase tax; remission of taxes.
- 2028 Clerk to enter changes; report to auditor of amount assessed; taxes due Sept. 1; delinquent Oct. 31; correction and refunding.
- 2029 Clerk to attach a warrant; form of.
- 2030 Collector's duties; delinquent taxes; sale of property; fees of collector; property about to be removed.
- 2031 Sale of real estate; when amount of tax not bid; certificate of sale.
- 2032 Redemption in two years.
- 2033 Treasurer to pay redemption money, when.
- 2034 Deed for property not redeemed.
- 2035 Collector to have credit for uncollected taxes.

SECTION.

- 2036 Clerk to keep account with collector; collector to pay over money monthly; quarterly report.
- 2037 Collector to mark "paid" and give receipt when taxes paid.
- 2038 County treasurer to make reports to Territorial treasurer; school taxes subject to apportionment; compensation of the county treasurer, how paid.
- 2039 Collector to settle January 31st; action for uncollected taxes; auditor to keep account with Territorial treasurer and county collectors.
- 2040 Delinquent property removed from county, tax how collected.
- 2041 Allowance to collector on collection of such taxes.
- 2042 School tax, how disbursed.
- 2043 Definition of terms used.
- 2044 Repeal and saving clause; prior delinquent taxes.
- 2045 Duty of auditor to prosecute for official delinquencies; employment of counsel.
- 2046 Public officers not to purchase warrants, etc., penalty.
- 2047 County treasurer to procure canceling stamp.

EQUALIZING TAXES ON TRANSITORY HERDS.

SECTION.

- 2048 Taxes on transitory herds, how collected.

REVENUE LICENSES.

SECTION.

- 2049 Merchants, etc., to obtain licenses.
- 2050 Books to be kept; rate of licenses.

SECTION.

- 2051 Not transferable.
- 2052 Penalty.
- 2053 Peddlers of perishable fruits and vegetables excepted from act.

§ 2008. s 1. There is hereby levied, and directed to be assessed and collected, annually, beginning with the year 1878, an *ad valorem* tax on all the taxable property in the Territory of Utah, as follows: Three mills on the dollar for Territorial purposes; three mills on the dollar for the benefit of district schools; and such sum as the county courts of the several counties may designate for county purposes, not to exceed six mills on the dollar.

Feb. 22, 1878.
Rate of taxation.

Territorial.

School.

County.

All property
taxable ex-
cept.

§ 2009. s 2. All property, real and personal, situate and being in this Territory, is taxable, except:

Exemptions.

Feb. 22, 1878.

1. Property owned by the United States.
2. Bonds and other obligations of the United States.
3. Property owned by this Territory or by any county, city, or school district.

4. Houses and other buildings and land occupied for public worship, owned by any religious denomination, so long as the same is used for public worship and no income is derived therefrom; but this subdivision does not include the residence of the minister, parson, or other person attendant upon such denomination.

5. Property owned by any scientific, charitable, or benevolent society, so long as such property, and the income that may be derived therefrom are used exclusively for the public good.

6. Public libraries, and libraries of literary and scientific associations, when no income is derived therefrom.

7. Private libraries and libraries of professional persons, not exceeding three hundred dollars in value.

8. Public squares and public grounds, used for amusement and pleasure, when no income is derived therefrom.

9. Shares of stock in corporations when the property of the corporation is taxable.

10. Cemeteries and graveyards used for interring the dead.

11. Property owned by any fire or military company, when used only for the public good, and no income is derived therefrom; mining claims and the products of mines and the ore in the mines.

12. Wearing apparel, beds, bedding, stoves, chairs, etc., not exceeding one hundred dollars (\$100) in value for each family.

Feb. 20, 1880.
Amended.
Property.
Money.

Feb. 20, 1880.

§ 2010. s 3. Property other than money shall be assessed at a fair cash valuation. Money loaned, on hand, or on deposit shall be assessed at its legal value; real estate shall be listed as real estate, and personal property shall be listed as personal property. Real estate taxable under this act shall be listed and assessed as valued on the first day of January in each year; all other property taxable under this act shall be listed and assessed as valued on the day of assessment; from credits taxable under this act debts due and

Assessment
made on Jan.
1, each year.

owing by the party to be assessed shall be deducted in listing and assessing. Debts to be deducted from taxable credits

§ 2011. s 4. Shares of stock in national banks shall be listed and assessed to the shareholders. Shares of stock in corporations other than national banks, when the same are taxable, money and taxable bonds, shall be listed, assessed and the tax levied in the county in which the shareholder, the moneyholder, or bondholder resides. If the taxpayer be a corporation, holding intangible property, then in the county in which it has its principal place of business in this Territory. Property held in trust by an executor, administrator or other trustee, shall be listed to such executor, administrator or trustee, in the county where such property is situated. Feb. 22, 1878. Stocks and bonds. Where assessed. Feb. 22, 1878. Property held in trust.

§ 2012. s 5. Property shall be assessed to the owner if known; if the owner be unknown then to an unknown owner. The tax shall attach to and constitute a lien on the property assessed, from the day of assessment. If the taxpayer own both real estate and personal taxable property, the tax on the personal property shall also be a lien on the real estate. In each and every case the lien shall be paramount to all other liens whatsoever, and it shall not be removed therefrom until the tax is paid, or until the title vests thereto, under a sale thereof, by virtue of proceedings to enforce payment of the tax. Tax shall be a paramount lien. Feb. 22, 1878.

§ 2013. s 6. In assessing real estate it shall be referred to with reasonable certainty, as to locality and quantity; it shall be sufficient in towns and cities to give the number of the lot, block and plat; and on other lands, the approximate area within the section, or other legal subdivision. Real estate, how designated. Feb. 22, 1878.

§ 2014. s 7. The property, real and personal, of corporations shall be assessed and the tax collected to the same extent as if such property was owned by individuals. Property of corporations. Feb. 22, 1878.

§ 2015. s 8. In all cases where a railroad, owned by any person, partnership, firm, company or corporation, shall be located and constructed in one or more counties, such road, and the real and personal property appertaining thereto, shall be assessed in the city, county or counties in which the several portions thereof are or may be situated. The president, or other officer of such company or corporation, shall, on demand, give to the proper assessor, a statement containing a description of such road, and the real and personal property appertaining thereto, within the city or county where Railroad, how assessed, Feb. 22, 1878. President of railroad company shall furnish statement and description of property of company.

the same is to be assessed with the fair cash value thereof. Also the number of locomotives and cars of every description, commonly known as rolling stock, and their fair cash value; the whole length of said road and the length of that portion thereof in such city or county, and an apportionment of the valuation of such rolling stock to such city or county, the same to be estimated according to the proportion to which the portion of said road, in such city or county, bears to the whole length of said road.

Feb. 22, 1878.

Property of
corporations
other than
railroads.
Feb. 22, 1878

§ 2016. s 9. Whenever any corporation other than railroads, shall own taxable property, a part of which is in one county, and a part of which is in another county, the tangible property shall be assessed in the county where situated.

Corporation.

Officer of shall
furnish state-
ment, to as-
sessor.
Feb. 22, 1878.

§ 2017. s 10. In all cases when the property of a corporation is to be assessed, the assessor shall issue a written notice to the president, secretary, superintendent, or person in charge of the property of such corporation, that an assessment is to be made, requiring such president, secretary, superintendent, or person in charge of said property to make a statement, upon his oath or affirmation, of the real and personal property of such corporation, situate or being in the city and county where the assessment is to be made, and deliver the same to the assessor within twenty days from date of said notice. It shall be sufficient to deposit said notice in the post office, postage prepaid, directed to such corporation at the place where it keeps its principal office or place of business.

Assessors and
collectors
elected for two
years.
Feb. 22, 1878.

§ 2018. s 11. At the general election in 1878, and biennially thereafter, there shall be elected, by the qualified voters of the several counties of this Territory, an assessor and a collector for each county, whose term of office shall be for two years and until their successors are duly elected or appointed and qualified, said assessor shall, before entering upon the duties of his office, take and subscribe an oath of office and give a bond, with approved security, to the Territory and county, to the acceptance of the county court, conditioned for the faithful performance of the duties of his office. Said collector shall, before entering upon the duties of his office, take and subscribe an oath of office, and give a bond with approved security to the Territory of Utah, conditioned for the faithful performance of the duties of his

Collector shall
take oath and
give bond.
Feb. 20, 1880.

office, and for the payment of Territorial and school taxes due from him to the Territory, and give a bond to the county, conditioned for the payment, into the county treasury, of all county taxes due from him to the county; each assessor elected under the provisions of this act, shall enter upon the duties of his office on the first day of January next following his election, and shall qualify within five days prior thereto. When assessors and collectors shall enter upon their duties. Each collector elected under the provisions of this act shall enter upon the duties of his office on the first day of June next following his election, having first qualified as above prescribed; *Provided*, That in any county where the total revenue, provided for in this act, does not exceed forty thousand dollars per annum, the county court, at the June term next preceding the election, may direct that the assessor shall also be the collector, in which case his bonds shall be equal to that of a collector only. Assessor shall be collector, when.

§ 2019. s 12. The county court shall fix the bond of the assessor in any sum not exceeding the whole amount of the tax of the previous year, nor less than one-half; and the bond of the collector not exceeding twice, nor less than, the whole amount of the tax of the previous year. If at any time it shall appear to the county court that the bond given by the assessor or the collector is insufficient in amount, or in the responsibility of the sureties, the said court is hereby authorized and required to demand additional bonds with approved sureties; and in the event that the assessor or collector shall refuse or neglect to furnish additional bonds with approved sureties, for a period of twenty days after due notice has been given, the county court may declare the office vacant. Amount of bond how determined. Feb. 22, 1888.

§ 2020. s 13. In case of the office of the assessor or the collector becoming vacant, the county court of the county where such vacancy occurs shall have power to fill such vacancy by appointment until the next general election. County court shall fill vacancies. Feb. 22, 1878

§ 2021. s 14. The compensation to be received by assessors and collectors shall be as determined by the county courts of their respective counties; to be paid by the Territory and counties *pro rata*. Compensation of assessor and collector, how fixed and paid. Feb. 22, 1878.

§ 2022. s 15. The assessor and collector are each respectively hereby authorized to appoint one or more deputies for whose official acts he shall be responsible. Deputies shall be invested with the same powers as principals; they shall Deputies. Feb. 22, 1878.

Principals and their deputies may administer oaths. each take and subscribe a similar oath of office, and may be required to give a bond with sufficient sureties, payable to the officer appointing him, and in such sum as the principal may determine, conditioned for the faithful discharge of their official duties. Assessors and collectors and their deputies are hereby empowered to administer oaths in the discharge of their official duties, and may require persons to give a statement of their taxable property under oath.

Assessor may leave blank which tax payer shall fill. § 2023. s 16. The assessor may, when he deems it necessary, leave with the person to be assessed, or at his residence or place of business, a blank form of the assessment list—and with corporations, firms or associations, suitable forms—requiring the taxpayer to fill out and return the same to the assessor within twenty days from date of service; and any person, corporation, firm or association furnished with said blank forms must comply with the requirements thereof, or be liable to a fine not to exceed one hundred dollars for each neglect. If any person shall wilfully and knowingly make a false list to the assessor, or make a false statement of his property, or of property under his control, he shall be deemed guilty of a misdemeanor, and may be fined in any sum less than one hundred dollars, or imprisonment in the county jail not exceeding one hundred days, or by both. The county court shall furnish to the assessor a suitable book or books conveniently ruled and headed for designating the property to be assessed, which shall constitute the assessment roll.

Feb. 22, 1878.

Feb. 22, 1878.

Making false list, penalty of.

County court shall furnish books.

Feb. 22, 1878.

Assessor shall make returns before first Monday in June. § 2024. s 17. After the first day of January and before the first Monday in June in each year, the assessor shall ascertain by diligent inquiry and examination, all property in his county real and personal, subject to taxation, also so far as practicable, the names of all persons, corporations, companies or firms, owning, claiming, or having the possession or control thereof, and shall determine the fair cash value of such property, and shall so list and assess the same to the person, firm, corporation, association or company, owning or having the possession, charge, or control thereof, and make returns to the county court. No assessment of property, or charge for taxes or assessments thereon, shall be considered illegal, on account of any irregularity or informality in the tax list or assessment rolls, or on account of the assessment rolls or tax list not being made, completed or returned

Feb. 22, 1878.

Feb. 20, 1880.

Irregularities, informalities and errors, effect of.

within the time required by law, or on account of the property having been charged or listed in the assessment or tax list in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers intrusted with the assessment and collection of taxes, not affecting the substantial justice of the tax or assessment itself, shall vitiate or in any way affect the tax or assessment.

§ 2025. If, at any time after the assessment is made and during the year, it should be ascertained that any taxable property has not been assessed, the assessor may assess the same, and make report thereof to the county court, and the county court shall cause the same to be entered in the collector's roll for collection.

Property may be added to assessment roll at any time.
Feb. 20, 1880.

§ 2026. The assessor and collector, or the assessor in counties where that office is separate and distinct from the office of collector, may by seizure and sale of any personal property owned by the person against whom the tax is assessed, at the time of making the assessment or at any time subsequent thereto, collect the taxes assessed on all personal property, when the person against whom such taxes are assessed has not sufficient real estate upon which such taxes are a lien to secure the same, unless such person give the assessor security to pay the same when due.

When assessor and collector may collect taxes at time of assessment or at any time subsequent thereto.
March 13, 1884.

§ 2027. s 18. The county court of each county shall, on the return of the assessment roll, appoint a time to hear complaints, determine the assessor and collector's compensation; also determine the rate per cent. of the county tax for the current year. The clerk of the county court shall, within twenty days after the receipt of the assessment roll, set the amount of tax in the proper column, opposite the name or description of property, and furnish the collector with said assessment roll. On receipt of the assessment roll from the clerk, the collector shall furnish to each taxpayer, by mail, postage prepaid, or leave at his residence or usual place of business (if known), a notice of the amount of tax assessed against him, and return said assessment roll to the county court, who shall constitute a board of equalization, and shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom, and if the board of equalization shall find it necessary to add

County courts to hear complaints, fix compensation of assessor and collector, and determine rate of county tax.
Feb. 20, 1880.
March 9, 1882.

Every tax payer must be notified of the amount of tax assessed, etc.

County court constituted a board of equalization.

Power and duties of.

May increase
tax.

to the assessed valuation of any property on the assessment roll, they shall direct the clerk to give notice to the persons interested, by letter, postage prepaid, deposited in the post office, or otherwise, naming the day when they shall act in that case, and allowing a reasonable time for such party to appear. During the sessions of the board, the assessor may be present, and shall have liberty to make any statement

May abate tax.

touching questions before the board. The board may remit or abate the taxes of any insane, idiotic, infirm or indigent person to an amount not exceeding five dollars for the current year; *Provided*, That when the tax due from any such person exceeds five dollars, a further abatement or remission

Proviso, etc.

Taxes may be
remitted.
March 6, 1882.

may be made to an amount not exceeding one half of the balance of the tax remaining due; *Provided further*, That the total amount remitted shall not exceed ten dollars.

Clerk to enter
changes on
assessment
roll.
Feb. 20, 1880.

§ 2028. During the session, or as soon as possible after the adjournment of the board of equalization, the clerk shall enter upon said assessment roll all the changes and corrections made by the board, and shall add up the columns of valuation, and, on or before the first day of September, shall make and deliver to the tax collector a true copy of the corrected roll, with the total amount of taxes to each person, firm, corporation or association, carried out in separate money columns, which copy shall be duly certified to by the clerk of the county court, and he shall report to the auditor of public accounts the amount of Territorial and school tax assessed in said county, and shall file the original assessment roll in his office. All Territorial, school and county taxes provided for in this act shall be due and payable on the first day of September, annually, and any and all taxes remaining unpaid on the thirty-first day of October, shall be deemed delinquent. The county court, at any session, shall have power, on satisfactory proof being produced, that any property has been assessed "twice" in the same year, or to a wrong owner, to correct said assessment and abate the tax thereon, or, if the tax has been paid, to refund the same and to charge the Territory with its portion of the tax so refunded, and if the property has been erroneously assessed to a wrong person, to assess the property to the owner, if known.

Must report to
auditor of
public ac-
counts,
amount of tax
assessed in
said county.

Taxes due
Sept. 1.

Delinquent
October, 31.

Taxes may be
refunded.

§ 2029. The clerk of the county court shall attach to the duplicate corrected tax roll, to be delivered to the

collector, a warrant, under his hand and the seal of the county court, in the following form:

County Clerk
to furnish col-
lector with
warrant.

Territory of Utah, }
County of——, } ss.

To the collector of——county, greeting:

Form of
warrant.
March 9, 1882.

You are hereby commanded by the people of the Territory of Utah, to collect from each and every person, firm, corporation, or association, named in the tax roll hereunto annexed, the amount of taxes therein set forth opposite their names respectively, being three mills on the dollar for Territorial taxes, three mills on the dollar for school taxes, and ——mills on the dollar for county taxes, for the year—— on the total amount of property set opposite their names respectively, carried out in separate money columns, and if any person, firm, corporation or association named in said duplicate tax roll, shall neglect or refuse to pay said taxes after receiving due notice of the amounts due, and when and where payable, you are commanded to proceed against any such delinquents after the thirty-first day of October, as provided by law. And you are further commanded to pay the amounts which, according to the warrant and the annexed tax roll, you are required to collect in the manner and within the time prescribed by law for the payment thereof. In testimony whereof, I——clerk of the county court in and for——county aforesaid, have hereunto set my hand and affixed the seal of said court, this——day of——. ——county clerk.

§ 2030. s 19. On receipt of the duplicate roll with warrant attached, from the clerk of the county court, the collector shall proceed to collect the taxes, and shall furnish to each taxpayer, or leave at his residence or usual place of business, if known, a notice of the amount of tax assessed against him, and where and when payable. If any person neglect or fail to pay his taxes on or before the 31st day of October, in the year the taxes are assessed, it shall be the duty of the collector to levy upon enough taxable personal property of the taxpayer, to pay the taxes and costs, and proceed to sell the same in manner hereinafter mentioned. Before making said sale, he shall give the owner, if known, and an inhabitant of the county, a notice in writing of the time and place of sale; he shall also cause public notice to be given, not less than ten nor more than forty days, of the time,

Collector, du-
ties of.
March 9, 1882.

Delinquent
taxes, prop-
erty to be sold
for.
Feb. 22, 1878.

place and kind of property to be sold, by posting up said notice in not less than three public places, in the vicinity; if real estate is to be sold, one of said notices must be posted up on the premises. When personal taxable property of a delinquent taxpayer is not found by the collector, or if found is insufficient in amount to pay his taxes and costs, then the collector is also authorized to levy upon and sell any real estate belonging or assessed to, such delinquent taxpayer. The property of non-residents or persons unknown, shall not be sold for taxes without giving notice of such sale by advertising at least five times in some newspaper published in the Territory, commencing at least twenty days previous to the date of sale. The collector shall be entitled, as costs, to the same fees as a sheriff or constable for like services. The collector is hereby authorized and empowered to collect taxes at the rate per cent. of the previous year, at any time after the property has been assessed, in all cases where he has reasonable grounds for supposing that such property will be removed from the county previous to the regular time for collecting. (1) Whenever property shall be sold for taxes, the amount, if any, remaining over and above the tax and costs, shall be paid into the county treasury, subject to the order of the person whose property was sold.

Property of
non-residents.

Fees of collec-
tor for selling.

Property about
to be removed.

Real estate
sold for taxes
Feb. 22, 1878.

Feb. 22, 1878.
When amount
of taxes not
bid at sale.

Feb. 20, 1889.

Certifi cate of
sale made to
Probate judge

Real estate
sold for taxes,
may be re-
deemed within
two years,
how.

§ 2031. s 20. When real estate is sold for taxes, the collector shall issue a certificate to the purchaser, reciting substantially the facts of the non-payment of the tax, levy upon, advertisement and sale of said real estate, which certificate shall be *prima facie* evidence of the facts therein recited; a duplicate of such certificate shall be filed by the collector in the office of the recorder of the county; *Provided*, That if at such sale no person bid and pay the collector the amount of tax required to be paid as aforesaid on any real estate, the collector shall make to the probate judge and his successors in office, for and in behalf of such county, a certificate similar to that given to other purchasers, and such sale to the county shall have the same effect as if made to an individual. And the clerk of the county court shall credit the collector with the amount of the tax due thereon, and costs to date of sale.

§ 2032. s 21. Real estate sold for taxes, as aforesaid may be redeemed by any person, interested therein, at any

(1) See § 2024.

time within two years after the date of the sale thereof, by such person paying into the county treasury for the use of the purchaser, or his legal representatives, the amount paid by such purchaser, and all costs, as aforesaid, with interest at the rate of one and one-half per cent. per month, on the whole, from the day of sale to that of the redemption, and all taxes that have accrued thereon and which have been paid by the purchaser after his purchase to the time of redemption.

Treasurer to pay money received in redemption, when.
Feb. 20, 1878.

§ 2033. s 22. Money paid into the treasury in redemption of real estate, purchased on a tax sale, and to which money such purchaser, or his assignee, is entitled, shall be paid to him by the treasurer upon his applying therefor and producing the duplicate certificate of the purchaser or a copy thereof certified by the recorder and endorsing thereon a receipt for the amount.

§ 2034. s 23. If any property, sold as aforesaid, be not redeemed within the time, and in the manner aforesaid, on presentation of the collector's certificate, the clerk of the county court shall make out and deliver a deed therefor, conveying the same to the individual purchaser, or assignee, as the case may be; which deed shall recite, substantially, the amount of the tax, the year for which it was assessed, the day and year of the sale, the amount for which the real estate was sold, a full description thereof, and the name of the purchaser, or assignee, and when attested by the seal of the county court, such deed shall be *prima facie* evidence of the facts recited therein.

Property not redeemed, clerk shall make and deliver deed for.
Feb. 20, 1878.

Deed shall contain, what.

§ 2035. s 24. Whenever the collector shall furnish satisfactory proof to the county court that he has exhausted all the taxable property, real and personal, of any delinquent taxpayer, the county court shall credit the collector with the amount of the tax of such delinquent remaining unpaid and shall report quarterly to the auditor of public accounts the proportion of Territorial tax so credited to the collector.

Uncollected taxes.
Feb. 22, 1878.

Collector to have credit for

§ 2036. s 25. The clerk of the county court in each county shall keep an account with the collector, debiting him with the amount of tax assessed and crediting him with the amounts paid; and the collector is hereby required to pay to the county treasurer, once a month, or oftener if required by the county court, all county funds collected by him, and shall take the treasurer's receipt therefor, specifying the amounts paid in kind. The clerk of the county court shall report

Clerk shall keep an account with collector.
Feb. 22, 1878.
Feb. 20, 1880.

Collector shall pay over funds monthly or oftener.

Quarterly reports to be made.

When tax is paid, duty of collector.

Feb. 22, 1878.

quarter-yearly to the auditor of public accounts the amount and kind of funds belonging to the Territory, paid to the county treasurer.

§ 2037. s 26. Whenever any tax is paid in full to the collector he shall mark the word "paid" in the abstract rolls opposite the name of the taxpayer, and shall give a receipt therefor, specifying the payments each in cash, county warrants, auditor's warrants, a duplicate of which the collector shall keep upon the stub of his receipt book, and return said duplicate to the clerk of the county court quarter-yearly.

County treasurer shall make reports every ninety days or oftener.

Feb. 22, 1878.

March 9, 1882.

§ 2038. s 27. The county collectors of the several counties are hereby made sub-treasurers of the Territory; and each county collector shall make a report to the Territorial treasurer, of all funds belonging to the Territory which he has received, once every ninety days, or oftener if required by the Territorial treasurer, and hold the same subject to his order. Auditor's warrants shall be received for Territorial, and county warrants for county taxes. The school taxes collected in any county shall be held by the county collector thereof, subject to the apportionment by the Territorial superintendent of district schools, of moneys so collected, a sum equal to the apportionment of said county the preceding year for school purposes. The compensation of each county treasurer shall be determined by the county court.

School taxes subject to apportionment by Territorial superintendent of schools.

Feb. 20, 1888.

Territory to pay one-half of the compensation of county treasurers

Collector must settle on or before Jan. 31st, annually.

If any tax remain unpaid has right of action against delinquent taxpayer

March 13, 1884.

§ 2039. s 28. On or before the thirty-first day of January in each year the collector of each county shall settle with the clerk of the county court and make full payment into the county treasury of all taxes due. If any tax remain unpaid to the collector on the said thirty-first day of January, he shall have in his own right a right of action against each delinquent taxpayer as on an express contract for the direct payment of money, and no taxable property of such delinquent shall be exempt from execution and sale on a judgment in such cases. It shall be the duty of the auditor of public accounts to keep an account with the Territorial treasurer, charging him with the amount and kind of funds paid to him, and crediting him with the warrants redeemed by him. The auditor of public accounts shall also keep an account with the county collector of each county, charging him with the amount of Territorial and school taxes assessed each year in his county, less his compensation for assessing and collecting the same, and credit him with the amount of the apportionment

Auditor of public accounts to keep account with Territorial treasurer and county collectors,

of school taxes for his county, and with the amount paid into the Territorial treasury. (1)

§ 2040. s 29. When a resident of one county removes his property to another county, without having paid the tax or taxes standing against him, it shall be the duty of the collector of the county from which the delinquent has removed, to report the amount of tax or taxes due from said delinquent, to the collector of the county to which the said delinquent has removed, and the collector receiving such report of delinquency is hereby authorized and required to collect such tax or taxes, as in other cases.

When property of delinquent is removed from one county to another, tax how collected. Feb. 22, 1878.

§ 2041. s 30. Collectors who shall collect delinquent taxes, as provided in the preceding section, shall be entitled to one-half the per centage allowed the collector by the county court of the county where the tax originated, and shall promptly remit the sums collected, less said per centage, to the collector from whom was received the report of such delinquency.

Allowance to collector on collection of such tax. Feb. 22, 1878.

§ 2042. s 31. The revenue accruing under the provisions of this act for the benefit of district schools, shall be disbursed under the provisions of section 608, Compiled Laws of Utah, relating to the distribution of funds for the benefit of district schools, or as may otherwise be provided for by law. (2)

School tax, how disbursed. Feb. 22, 1878.

§ 2043. s 32. Whenever the terms mentioned in this section are employed in this act, they are employed in the senses hereinafter affixed to them, except where a different sense plainly appears:

Terms employed in this act defined. Feb. 22, 1878.

1. The term person, when applicable, includes firm, partnership, joint stock company, association and corporation.

2. Words in the singular number may include the plural, and words in the masculine may include the feminine.

3. The term property, includes both real estate and personal property, as hereinafter defined.

4. The term personal property includes money and all other property tangible and intangible except real property.

5. The term intangible property includes shares of stock in corporations and in joint stock companies and taxable bonds.

(1) As amended March 13, 1884, took effect May 31, 1884.

(2) § 1931 Sec. 20, District School.

6. The term real property includes land, land claims and all improvements thereon.

7. The term real estate includes the ownership of or claim to, or possession of, or right of possession, to any real property in this Territory.

8. The term writing and written, includes printing and printed, and the term printing and printed includes writing and written.

9. The term auditor's warrants, is an order drawn by the auditor of public accounts, under his seal of office, on the Territorial treasurer, directing him to pay a named sum to a named person, or bearer, and can only be drawn on an appropriation made by the Legislative Assembly.

10. The term county warrant, is an order drawn by the county clerk, under the seal of the county court, on the county treasurer, directing him to pay a named sum to a named person, or bearer, and can only be drawn on an appropriation made by the county court.

Parts of secs.
591 and 608,
Compiled
Laws repealed

§ 2044. s 33. All that part of section 591, Compiled Laws of Utah, which reads as follows: "To assess and collect, annually, a tax of one-fourth of one per cent, on all taxable property, within their districts, for school purposes, and shall have power to remit taxes;" also so much of section 608, Compiled Laws of Utah, as relates to the appropriation of twenty-five thousand dollars annually for the use of schools, in this Territory; and all acts and parts of acts heretofore passed in relation to assessing and collecting county and Territorial taxes, superseded by or in conflict with any of the provisions of this act are hereby repealed; *Provided*, Always, that such repeal shall not affect, or in anywise impair any right accruing, or any liability, forfeiture or penalty incurred under such repealed acts, or parts of acts, or affect any suit, prosecution or proceeding begun or pending previous to the said repeal; but all rights, forfeitures, liabilities or penalties incurred under said acts may be enforced the same as if such repeal had not been made, nor shall such repeal affect the right to any office or change the term or tenure thereof; and the assessors and collectors now in office in their respective counties are hereby authorized and empowered to assess and collect the Territorial, school and county taxes for 1878, under the provisions of this act. All delinquent taxes due and remaining unpaid on the first day of March, 1878

All conflicting
acts and parts
of acts re-
pealed.

Proviso.

Delinquent
taxes due and
unpaid March
1st, 1878.

shall be collected of the person assessed in accordance with the provisions of this act, by the collectors of their respective counties.

§ 2045. That the auditor of public accounts be and is hereby authorized and empowered to direct prosecution, in the name the Territory, for all official delinquencies in relation to the assessment, collection and payment of the revenue against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the Territory, and when necessary to employ counsel for that purpose.

Auditor of public accounts to prosecute for official delinquencies.

March 9, 1882.

May employ counsel.

§ 2046. That no Territorial, county, city, or district treasurer, or collector of taxes, shall either directly or indirectly contract for or purchase any warrant or order issued by the Territory, county, city or district of which he is treasurer or collector, at any discount whatever upon the sum due on such warrant or order, and if any territorial, county, city or district treasurer or collector of taxes shall so contract for or purchase any such order or warrant, he shall not be allowed in settlement the amount of said order, or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant, to be recovered by civil action.

Public officers shall not purchase warrants, etc.

March 8, 1882.

§ 2047. It is hereby made the duty of each county treasurer to procure, at the expense of the county, a proper canceling stamp, and imprint the same on all county warrants redeemed by him, and deposit said warrants in his office.

Penalty.

County treasurer to cancel warrants.

TRANSITORY HERDS.

§ 2048. s 1. Where bands of horses, or mules, or both, and herds of cattle, or sheep, are wintered in one county, and taken into another county to summer, the tax on such stock shall be assessable and collectible in either county, and the county court of the county where such assessment and collection may have been made, shall cause to be remitted to the county treasurer of such other county one-half of the county taxes so collected, after deducting therefrom the percentage allowed in such county for assessing and collecting said taxes, upon application therefor by the county court of such other county so interested.

Taxes on transitory herds of stock, how collected.
Feb. 10, 1880.

Merchants,
showmen, etc.,
must obtain
licenses.

March 13, 1884.

§ 2049. s 1. On and after the first day of April, eighteen hundred and eighty-four, no person shall be permitted to carry on the business of merchants, retailers, peddlers, auctioneers, brokers, pawnbrokers, money changers, traveling showman, theatrical performances, circus, and menageries, without first obtaining a license therefor from the county courts in their respective counties, as hereinafter provided.

Book of li-
censes to be
kept.

§ 2050. s 2. The county court in their respective counties are hereby authorized to provide for the granting of licenses as contemplated in the first section of this act. They shall also provide a suitable book of printed forms with stubs, said stubs shall contain a duplicate copy of all licenses issued, and they shall be numbered consecutively; said county courts shall fix the price of all licenses granted by them, which price shall be uniform for all licenses of the same class and shall not exceed for any one license on any business named in this act, the sum of one hundred dollars for any one year; *Provided*, That the price fixed for a quarter-yearly license may be made the price for any time less than three months; and said county courts shall require payment for all licenses invariably in advance. Upon the applicant paying the required amount to the county clerk, said clerk shall issue the desired license for any term not exceeding one year.

Rate of license

Proviso.

License not
transferable.

§ 2051. s 3. No such license shall be transferable unless such transfer shall be sanctioned by the county court or probate judge.

Penalty for
violation of act

§ 2052. s 4. If any person shall violate the provisions of any of the preceding sections of this act, he shall be guilty of a misdemeanor.

Certain per-
sons excepted.

§ 2053. s 5. Nothing in this act shall be construed to apply to peddlers of perishable fruits and vegetables, nor to any person carrying on business in an incorporated city.

AN ACT PROVIDING FOR THE EQUALIZATION OF TERRITORIAL AND
TERRITORIAL SCHOOL TAXES.

SECTION.

- 2054 Board of equalization created for 1888 and 1889.
2055 Board how constituted and elected; how to qualify.
2056 When and where board to meet to elect chairman and secretary.
2057 County clerk to prepare and forward to auditor, certain pages of assessment roll.
2058 Board may visit any part of Territory and examine persons under oath to ascertain actual assessed value.
2059 Board to make necessary changes to equalize assessment; county court may be heard.

SECTION.

- 2060 Action of board final; when to report to auditor; notice to county court.
2061 County court to record notice; adopt equalization and publish and post notice of change.
2062 Board to report to legislative assembly.
2063 Compensation to members of board, and to witnesses and assistants.
2064 Auditor to audit the accounts, and issue his warrant; Appropriation.

§ 2054. s 1. A Territorial Board of Equalization of Assessment of Territorial and Territorial school taxes is hereby created for the years 1888 and 1889.

March 7, 1888.
Board of equalization created for 1888 and 1889.

§ 2055. s 2. Said board of equalization shall consist of seven persons, all of whom shall be elected by the joint vote of the present Legislative Assembly; *Provided*, That not more than one member shall be elected from any county except Salt Lake county, which shall be entitled to two members. Each member of said board shall take and subscribe the oath of office, which shall be filed with the auditor of public accounts.

Board how constituted and elected; how to qualify.

§ 2056. s 3. Said board of equalization shall meet at the office of the Territorial auditor of public accounts in Salt Lake city, at 12 o'clock, noon, on the third Monday in June of each year, and a majority of said board shall constitute a quorum to do business. At the first meeting of said board a chairman and a secretary shall be appointed from their number.

When and where board to meet to elect chairman and secretary.

§ 2057. s 4. The county clerk of each county in this Territory shall, on or before the third Monday in June of each year, prepare and forward to the auditor of public accounts, for the use of the board of equalization, a copy of a sufficient number of pages from the county assessment roll of his county to show at least two pages of the assessment of

County clerk to prepare and forward to auditor certain pages of assessment roll.

property in each precinct of his county. Said board of equalization is authorized to call upon the county clerk of any county, for a copy of any further portion of the assessment roll of such county whenever they may deem it necessary, and the county clerk so requested, shall immediately prepare a copy of the pages of said assessment roll designated by said board, to which shall be attached his certificate of the correctness of said copy, and transmit the same to said board.

Board may visit any part of territory and examine persons under oath to ascertain actual assessed values.

§ 2058. Said board, in the performance of its duty may visit any part of the Territory; and shall also have power to administer oaths by its chairman or secretary, to summon to its aid the assessor of any county, or any other person, and examine him or them under oath, and also examine said copies of the assessment roll in order to ascertain the actual and the assessed values of taxable property, both real and personal, comparing one county with another.

Board to make necessary changes to equalize assessment; county court may be heard.

§ 2059. s 5. Said board shall make such changes in the assessed valuation of the different classes of property, in any county, by increasing or decreasing the same such per cent. as may be necessary to equalize the assessment of such county with the assessment of other counties; *Provided*, That the county court of any county in which it is proposed to increase the assessed valuation, shall have not less than ten days notice to appear by representative and resist such increase.

Action of board final, i.e. o county court.

§ 2060. s 6. The action of said board of equalization on the assessed valuation of the property in any county of this Territory for the said years 1888 and 1889 shall be final. The said board shall finish its labors and file a full and complete report of all the changes made by it with the auditor of public accounts on or before the first day of August of each year, and immediately thereafter, the secretary thereof shall give notice to the county court of each county of the action of said board affecting such county.

County court to record notice, adopt equalization and publish and post notice of change.

§ 2061. s 7. On receipt of said notice of the action of the board of equalization, each county court shall cause said notice to be entered upon its records, and if changes have been made by said board, the county clerk shall thereupon enter such changes upon the assessment roll by adding to, or taking from the assessed valuation of the different classes of property in the county, such per cent. as said notice shall

designate, and give notice, by publication, in some newspaper having general circulation in the county, and by causing a notice of such change to be posted in at least three public places in each precinct of said county.

§ 2062. s 8. The said board of equalization shall furnish Board to re-
port to Legis-
lative Assem-
bly to the Legislative Assembly of the Territory, within the first two weeks of its session, a report of its official proceedings under this act, with such recommendations as it may deem proper.

§ 2063. s 9. Each member of said board shall receive Compensation
to members of
board, and to
witnesses and
assistants for his services, while actually engaged in the work of equalization, five dollars per day and ten cents per mile, one way only, and each person summoned as witness or aid shall receive three dollars per day, and the same mileage allowed to members of the board.

§ 2064. s 10. The Territorial auditor of public accounts Auditor to
audit all ac-
counts, and
issue his war-
rant; appropri-
ation. shall audit the accounts of said board of equalization for per diem and mileage, and draw his warrants for the amount due, which shall be paid out of the Territorial treasury, and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of such per diem and mileage.

[Approved, March 7, 1888.]

CHAPTER XIII.

HIGHWAYS.

SECTION.	SECTION.
2065-2068 Highways defined; when dedicated; limited highways; notice.	2080 Owner of lands may construct sidewalks, when; penalty for injuring same.
2069 When toll bridges etc., to become highways.	2081 Owner may plant trees; penalty for injuring same.
2070 A road not worked ceases to be a highway in five years.	2082 Right of way for railroads.
2071 Rights transferred by accepting land for a highway.	2083 When canals, etc., cross highways; suitable bridges or crossings to be made; penalty.
2072 Duties of county court in relation to highways.	2084 Penalty for wilfully injuring highways by particular acts.
2073 County clerk to keep record for each district.	2085 Penalty for failure to remove fences or other structures.
2074 Appointment of supervisors; how to qualify.	2086 Penalty for injuring mile boards, etc.
2075 Road supervisors' duties.	2087 Driving cattle, etc., on hill side road; damages.
2076 Delinquent poll tax, how collected; compensation of supervisors.	2088 Bridges, fast driving on prohibited; number of cattle, etc., to cross at one time; penalty.
2077 Poll tax of work or money; amount; how collected and expended in towns, cities and country.	2089 Penalty for injuring or destroying trees.
2078 Supervisors to be furnished with a blank receipt book.	2090 Regulations for passing teams; penalty.
2079 Supervisors to make annual reports; special reports; penalty for failure.	2091 Penalty for violating any provisions of act.
	2092 Penalties and forfeitures collected; how applied.

March 11, 1886.

Highways defined

Same.

When highway is dedicated to the public use

Highways defined.

§ 2065. s 1. That all roads, streets, alleys and bridges laid out or erected by the public, are highways.

§ 2066. s 2. All roads, streets, alleys and bridges laid out or erected by others than the public and dedicated or abandoned to the use of the public, are highways. A highway shall be deemed and taken as dedicated and abandoned to the use of the public when it has been continuously and uninterruptedly used as a public thoroughfare for a period of ten years.

§ 2067. s 3. All roads, streets, alleys and bridges which are now used by the public, and have been declared to be highways by the county courts and municipal corporations within their respective jurisdictions, or which may hereafter be so declared, shall be deemed and taken to be public highways;

Provided, That where roads or streets are laid out through improved lands, and such lands are not protected by fences along the lines of the roads or streets where such roads pass through, such roads or streets may, by the county court of the county where they are laid out, be declared to be limited highways. A notice to that effect shall be posted at each end of such limited highways, and any person who shall willfully drive any bands or herds of cattle, horses or sheep, over such roads or streets other than during the time that the adjoining lands are thrown open to the public by the owners thereof for grazing purposes, shall be guilty of a misdemeanor.

Limited highways defined.

Notice to be posted.

§ 2068. s 4. Roads, streets, alleys and bridges laid out and recorded by order of the county courts or municipal corporations within their respective jurisdictions, are public highways.

Highways defined.

§ 2069. s 5. Whenever any corporation owning a toll-bridge, or a turnpike, plank or common wagon road is dissolved or discontinued, or has expired by limitation, the bridge or road becomes a highway.

March 11, 1883. When toll-bridges, turn-pikes, etc., become highways.

§ 2070. s 6. A road not worked or used for a period of five years ceases to be a highway.

When ceases to be highway.

§ 2071. s 7. By taking or accepting land for a highway, the public acquire only the right of way, and incidents necessary to enjoying and maintaining it. A transfer of land bounded by a highway, passes the title of the person whose estate is transferred, to the center of the highway.

Rights transferred by accepting land for highway.

§ 2072. s 8. The county courts of the respective counties of this Territory shall, by proper regulations:

Duties of county court.

1. Divide, where not already done, their respective counties into a suitable and convenient number of road districts, and appoint supervisors therefor biennially, or whenever vacancies occur from any cause, and remove them at pleasure.

Road districts provided for.

2. Cause to be surveyed, viewed, laid out, recorded, opened, maintained and worked, such public highways as are necessary for public convenience.

Highways to be surveyed, etc.

3. Abolish or abandon such as are unnecessary for the use of the public.

Highways to be abandoned.

4. Contract for, purchase or otherwise acquire, when necessary, the right of way for a public highway over private property; and for that purpose institute proceedings for the

Contract and acquire right of way over private property.

acquirement of said right of way as provided in Part III, Title VII, of the Code of Civil Procedure.

Must erect
mile stones
and guide
posts.

5. Cause to be erected and maintained on such highways as they may designate, milestones or posts and guide posts, properly inscribed.

Highways in
cities, etc.,
maintained
by county.

6. Designate the public highways to be maintained by them, within or extending through each incorporated city or town; which in no case shall be more than three in the same direction.

County clerk
to keep record
for each dis-
trict.
March 11, 1886.

§ 2073. s 9. The county clerk must keep a book in which must be recorded all the orders of the county court relative to each road district, including orders for laying out, opening and altering roads; a description of each road district; the names of its supervisors, roads, highways, contracts, and all other matters pertaining thereto.

Appointment
of supervisors.

§ 2074. s 10. Supervisors of road districts shall receive notice of their appointment from the county clerk and within twenty days thereafter must qualify as such, by taking and subscribing an oath of office, and giving a bond to the county in such sum as may be determined by the county court; such bond to be approved by the probate judge and filed with the county clerk. A certificate of the county clerk, under the seal of the county court, that the appointment has been made, the required bond filed, and the oath of office taken, shall constitute a commission, and will authorize the person named therein to discharge the duties of supervisor until superseded.

Qualification.

Duties of su-
pervisors.

§ 2075. s 11. Road supervisors must, unless otherwise ordered by the county court appointing them:

Have charge of
highways.

1. Take charge of the public highways within their respective districts.

Must remove
obstructions.
Repair and
make high-
ways, etc.

2. Keep them clear of obstructions and in good repair.

3. Cause banks to be graded, bridges and causeways to be made where necessary, and keep the same in repair, and renew them when necessary.

Give notice of
time and place
when work is
to be done on
roads.

4. Give not less than two days' notice to the inhabitants of their respective districts liable to do work on roads, when, where, with what implements and under whose direction to work. When teams may be required, supervisors shall negotiate for the same at an equitable rate.

Collect poll
tax.

5. Collect the annual poll tax; direct and superintend the expenditure of that portion of the tax paid in labor.

§ 2076. s 12. If any who is liable shall fail to pay the tax required by this act, within ten days after the date of the notice required in subdivision four of the preceding section, said tax shall be deemed delinquent, and the road supervisor must proceed to collect the same as an action of debt, and no property of such delinquent shall be exempt from execution on judgment so recovered. For all services road supervisors shall receive such compensation as the county court may determine.

Delinquent poll tax, how collected.
March 11, 1886. Compensation of supervisors.

§ 2077. s 13. That two days' work of eight hours each, or, in lieu thereof, three dollars lawful money, is an annual road poll tax upon every man, not physically incapacitated to work, over twenty-one and under fifty years of age. Within incorporated towns or cities, said poll tax may be collected under such regulations as may be by ordinance provided, and be used by said towns or cities for improving, first, the public highways designated by the county court running through such cities; and, second, improving any other streets, or alleys in such towns or cities. All poll tax, except such as is collected by incorporated towns or cities, shall be expended under the direction and pursuant to the orders of the respective county courts, in making and improving highways; and all moneys collected in lieu of labor, except such as may be collected by incorporated towns, or cities, shall be paid into the county treasury, and be expended, under the direction of the county court, on the public highways.

Poll tax, how to be paid.
How collected in towns or cities and expended.
How expended by county.

§ 2078. s 14. The county court shall furnish each of its road supervisors a suitable blank receipt book with stubs, and the supervisor shall give a receipt from said book to each person who has paid his poll tax; the supervisor shall state on said receipt whether said poll tax was paid in cash or labor, and shall make a corresponding entry on the stub of said receipt, and said stubs shall be returned to the county court with his annual report.

Supervisors to be furnished with blank receipt books, etc.
What receipt must state.

§ 2079. s 15. Each supervisor must make to the county court appointing him, on or before the first Monday in December of each year, a written report containing:

Supervisor to make annual report.

1. The name of each person assessed for poll tax in his district.

March 1 18

2. The name of each person who has paid his tax in labor, and the amount paid.

3. The name of each person who has paid his tax in money, and the amount paid.

4. The amount of tax collected by suit, and the name of the delinquent.

5. The amount of uncollected tax, the name of each delinquent, and the cause why such tax remains uncollected in each instance.

6. The amount and kind of labor expended in his district, and the places where such labor was performed.

7. A general description of the condition of the public highways in his district.

8. An accurate account of the time he himself was employed, and the nature and items of the service rendered.

May be required to make special reports

The county court may at any time require special reports from road supervisors. A failure to make a report as herein

Penalty for failure, etc.,

required, subjects the supervisor to a penalty in any sum not exceeding one hundred dollars, to be recovered in an action on his bond.

Owners of lands etc., may construct sidewalks, when

§ 2080. s 16. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject however, to the authority conferred by law on the county court and road supervisors. Any person using such sidewalk, with horse or team without permission of the owner of such sidewalk, is liable to such owner for all damages he may suffer thereby.

Penalty for injury to same.

Owners of lands, etc., may plant trees.

§ 2081. s 17. Any owner or occupant of land adjoining a public highway, may plant trees on the sides of such highways, contiguous to his land. Said trees must be set in regular lines, at such distance from the center line of the highway as may be determined by an order of the county court.

Penalty for injury to same.

Whoever injures any of said trees is liable to the owner for the damage which is thereby sustained.

Right of way for railroads, etc.

March 11, 1886.

§ 2082. s 18. The county courts of the several counties have power to grant a right of way over the public highways for railroads, canals, irrigation ditches, drainage ditches, water pipes, telegraph and telephone lines, under such reasonable regulations as such court may establish; *Provided*, County courts shall not grant rights of way for any of the purposes herein mentioned through any incorporated town or city, where public highways designated by the county court, extend through any incorporated town or city or through any town or city hereafter incorporated, they shall conform to the direc-

Proviso.

tion and grade and be subject to all the regulations of other streets in such town or city.

§ 2083. s 19. Owners or users of canals, ditches or sections which now are or hereafter may be constructed across any public highway, are required to restore such highway to as good and safe condition as it was before such canal, ditch or section was constructed, by building a bridge or such other suitable crossing as may be determined by the county court or road supervisor. A failure to construct and keep in repair such bridge or crossing as and when required by the county court or road supervisor, is a misdemeanor.

When canals, etc., cross highways, a bridge or suitable crossing must be built.

Penalty.

§ 2084. s 20. Any person who wilfully or carelessly obstructs or injures any highway by flow or seepage of water, or who permits water under his control to escape in any manner, so as to injure any public highway, or any who shall wilfully or carelessly place or leave, or cause to be placed or left, any log, timber, stone, wood or other materials, or any machinery, wagon or other vehicle upon any public highway in such a way as to obstruct the travel, or to endanger property or persons passing upon such highway is guilty of a misdemeanor.

Penalty for injuring by flow or seepage, or for obstructing highway.

§ 2085. s 21. Any person who has erected or maintains, or may hereafter erect and maintain a fence or other structure along and upon any portion of a public highway, and who after being duly notified by the county court to remove the same, shall neglect or refuse so to do within twenty days, or such further time not exceeding three months, as may be determined by such county court, is guilty of a misdemeanor.

Penalty for failure to remove fence from highway, after due notice.

§ 2086. s 22. Whoever removes or injures any milestone, mile-stone or guide post, or any inscription properly placed thereon, erected on any highway, is guilty of a misdemeanor.

Penalty for injuring mile boards, etc.

§ 2087. s 23. Any person who drives a herd of horses, mules, asses, cattle, sheep, goats or swine over a public highway, where such highway is constructed on a hillside, shall be liable for all damage done by such animals in destroying the banks or rolling rocks into or upon such highway.

Persons driving cattle on hill side highways, liable for damages, when.

§ 2088. s 24. The county courts may cause to be put up on bridges in their respective counties, a notice that there is a "fine of five dollars for riding or driving on this bridge faster than a walk, and that not more than——horses, mules, asses or cattle, stating the number, or——sheep,

Fast driving on bridges prohibited.

Number of
cattle, etc.,
to cross at
one time.

goats or swine, stating the number, will be allowed upon this bridge at any one time, under a penalty of ten dollars for each offence." Whoever thereafter rides or drives faster than a walk on such bridge, is liable to a penalty of five dollars for each offence, and persons driving a herd of horses, cattle, sheep, goats or swine, who drives or allows upon such bridge a greater number of animals than that designated upon the notice, is liable to a penalty of ten dollars for each offence.

Penalty.

Penalty for
injuring or
destroying
trees.

§ 2089. s 25. Whoever digs up, cuts down, or otherwise injures, or wilfully destroys any shade, ornamental, or other tree, planted and standing on any highway, in conformity to the requirements of this act, is guilty of a misdemeanor.

Regulations
for passing
teams.

§ 2090. s 26. Whenever it is necessary for a fast traveling team to pass a slower one, it shall be the duty of the teamster of the slow traveling team to give the other a convenient opportunity so to do, if it can be done without endangering his own team, and whenever teams of any kind meet, each shall seasonably turn to the right, so as to give the other team half of the traveled road, whenever it can be done with safety. A failure so to do is a misdemeanor.

Penalty.

Penalty for
violation of
act.

§ 2091. s 27. Any person violating any of the provisions of this act, in addition to the penalties herein provided, shall be liable for all damages that may accrue to the party damaged by reason of such violation.

Penalties and
forfeitures,
how applied.

§ 2092. s 28. All penalties and forfeitures under this act, and not otherwise provided for, must be recovered by the supervisors of the respective road districts, and be applied on the public highways, in the district in which they are collected.

CHAPTER XIV.

PRESERVATION OF GAME AND FISH.

SECTION.	SECTION.
2093 Penalty for killing, etc., quail, etc., when.	2104 - 2106 Other provisions as to trout, and as to elk, mountain sheep and antelope.
2094 Penalty for killing, etc., elk, etc. when.	2107 When unlawful to kill, offer for sale or rob nests of wild geese or ducks.
2095 Penalty for buying, etc., game, when.	2108 Killing of imported quail forbidden for four years.
2096 Penalty for killing, etc., trout, when, proviso as to stocking private fish pond.	2109 Penalty.
2097 Fishing with set lines misdemeanor.	2110 Killing of deer at certain period of year, a misdemeanor.
2098 Penalty for using explosives, etc., in water.	2111 Penalty for putting poison or explosive substance in waters of Territory.
2099 Taking fish from private pond without owner's consent, a misdemeanor.	2112 Misdemeanor to take out of Territory, game killed therein.
2100 Penalty for failing to provide fishways, when.	2113 Game commissioner to be appointed in each county; term of office, how to qualify, his duties
2101 Fishways, how to be constructed.	2102 This act applies to Indians.
2102 This act applies to Indians.	2103 Repeal.
2103 Repeal.	

§ 2093. s 1. Every person who, between the fifteenth day of March and the fifteenth day of August, in each year, wilfully takes, kills, destroys, or offers for sale, quail, partridges, or grouse; or who, between the fifteenth day of April and the fifteenth day of September, in each year, wilfully takes, kills, destroys, or offers for sale any kind of wild ducks; or who shall at any time rob the nest of the above-named birds; or who shall kill any wild duck between one hour after sunset and one hour before sunrise; or who shall kill any quail or any imported game birds or their progeny for three years next ensuing the passage of this act, shall be guilty of a misdemeanor.

§ 2094. s 2. Every person who, between the first day of December of each year, and the first day of the September following, takes, kills, or destroys any elk, deer, mountain sheep or antelope; or who shall at any time kill any of the above animals for their skins, is guilty of a misdemeanor; *Provided*, That persons camping in the mountains may, during the months of July and August, kill sufficient of the males of the above animals to furnish themselves food while so camping.

Penalty for
buying, selling
game, when.

§ 2095. s 3. Every person who buys, sells, or has in his possession any of the game enumerated in the two preceding sections, taken or killed within the time during which the taking or killing thereof is prohibited, except such as are tamed or kept for show or curiosity; and every person who buys, sells, or offers for sale the skin of any animal, the killing of which is herein prohibited, is guilty of a misdemeanor.

Penalty for
killing, etc.,
trout, when.

§ 2096. s 4. Every person who at any time takes or kills any fish, except with hook and line, or with seine, as hereinafter provided, or who shall catch or kill any trout in any way, between the fifteenth day of March and the fifteenth day of June, of each year, is guilty of a misdemeanor; *Provided*, That seines not more than two hundred yards long and twelve feet wide, with meshes not less than one and a half inches square for fifty yards in the centre, and meshes not less than two inches square in the wings or ends thereof, may be used in Green river, and Bear and Utah lakes, only between the first day of October, of each year, and the first day of June following; *Provided further*, That nothing in this act shall be so construed as to prevent any person from taking fish from the public waters of the Territory for the purpose of stocking private fish ponds, or to prohibit any person from managing and controlling his private ponds or taking fish therefrom.

Proviso.

Fishing with
set lines, mis-
demeanor.
March 1, 1884.

§ 2097. s 5. Every person who at any time catches or kills any fish with set line or lines, is guilty of a misdemeanor.

Penalty for
using explo-
sives, etc., in
water

§ 2098. s 6. Every person who puts into the waters of this Territory any poisonous or explosive substance, or anything that is injurious to fish, or that renders the water unfit for household purposes, is guilty of a misdemeanor.

Taking fish
from private
ponds.

§ 2099. s 7. Every person who at any time takes any fish from any private fish pond or stream without the consent of the owner, is guilty of a misdemeanor.

Penalty for
failing to pro-
vide fishways,
when.

§ 2100. s 8. Every person, corporation or association who shall construct or continue to keep any dam across any of the streams of this Territory, in which fish migrate, in such a manner as to hinder or obstruct the migration of fish to or from their spawning grounds, without providing a fishway and keeping it in repair as provided in the following section, is guilty of a misdemeanor.

§ 2101. s 9. The fishway for the passage of fish in large

streams of water, mentioned in the preceding section, must be made in the form of a box, open at each end, not less than four feet wide, and three feet high, and of plank not less than two inches thick; and it must be fastened in the water at the top of the dam and the lower end must extend to and be fastened in the pool below the dam at an angle not exceeding thirty-five degrees. Inside this box, fastened at the bottom and one end to the side of the box, there must be peices of plank four feet apart, placed transversely so as to cause a riffle not less than ten inches high. These pieces of plank must be thirty inches long, and so fastened as to be at right angles with the sides of the box, alternately fastened, one at one side, the other at the other side of the box. Whenever the stream is small the county court of the county in which the dam is, or is to be constructed, may permit the box to be of less dimensions.

Fishway, how
to be con-
structed.

§ 2102. s 11. The provisions of this act apply to Indians who kill deer for their skins.

Indians not
exempted.

§ 2103. s 12. All former laws for the protection of fish and game are hereby repealed.

[Approved, March 1, 1884.]

§ 2104. s 1. Any person who wilfully kills or destroys any trout less than six inches long, is guilty of a misdemeanor.

March 10, 1886.
Trout.

§ 2105. s 2. Any person who has in his possession any trout taken unlawfully is guilty of a misdemeanor.

Same.

§ 2106. s 3. Any person who wilfully takes, kills or destroys any elk, mountain sheep or antelope, during the four years next ensuing, is guilty of a misdemeanor.

Elk, sheep,
etc.

§ 2107. s 1. That every person who between the fifteenth day of March and the fifteenth day of September in each year wilfully takes, kills, destroys or offers for sale any kind of wild geese or wild ducks; or who shall at any time rob the nests of the above mentioned birds, or who shall kill any wild geese or ducks between one hour after sunset and one hour before sunrise shall be guilty of a violation of the provisions of this section.

When unlaw-
ful to kill,
offer for sale
or rob nests of
wild geese or
ducks.

§ 2108. s 2. Any person who shall within four years kill any bird of the kind generally known and designated as imported quail, or who shall have the dead bodies of any such birds killed within this Territory, in his possession within the confines of the Territory of Utah, shall be guilty of a violation of the provisions of this section.

Killing of im-
ported quail
forbidden for
four years.

Penalty.

§ 2109. s 3. Any person violating the provisions of this section shall be fined in a sum not less than ten nor more than fifteen dollars.

Killing of deer at certain period of year a misdemeanor.

§ 2110. s 2. Every person who between the fifteenth day of November of each year and the fifteenth day of August following, takes, kills or destroys any deer, or who shall at any time, kill any of the above named animals for their skins, is guilty of a misdemeanor.

Penalty for putting poison or explosive substance in waters of Territory.

§ 2111. s 3. Every person who puts into the waters of this Territory any poisonous substance, giant powder or other explosives, upon conviction thereof, shall be fined in any sum not less than one hundred dollars or imprisonment not less than one hundred days, or may be punished by both fine and imprisonment.

Misdemeanor to take out of Territory game killed therein.

§ 2112. s 4. It shall be a misdemeanor to take out of this Territory any game taken or killed within its boundaries.

Game commissioner to be appointed in each county; term of office; how to qualify his duties; fines to be paid into county treasury.

§ 2113. s 5. The county court of each county of this Territory shall appoint a fish and game commissioner whose term of office shall be for two years and until his successor is appointed and qualified; said commissioner shall, before entering on the duties of his office, take and subscribe to an oath of office and give a bond in the penal sum of one thousand dollars for the faithful performance of his duty, said bond to be filed with the probate judge. The commissioner shall receive such compensation as shall be determined by the county court to be paid out of the county treasury, and shall perform his duties under the direction of the county court. It shall be the duty of the commissioner to see that all laws of this Territory for the protection of fish and game are faithfully enforced, and shall report his doings to the county court quarterly. All fines and forfeitures for violation of the provisions of this act shall be paid into the county treasury of the county wherein the offence shall have been committed.

BOUNTIES FOR DESTRUCTION OF OBNOXIOUS ANIMALS AND ENGLISH SPARROWS.

AN ACT PROVIDING FOR THE DESTRUCTION OF CERTAIN ANIMALS AND BIRDS.

SECTION.

2114 County court may offer bounties for destruction of.
2115 Evidence required.
2116 Duty of county clerk in examination of bounty claimant; may issue warrant on county treasurer; *Proviso* as to necessary number of animals and sparrows.

SECTION.

2117 Clerk to keep account and present to auditor who to draw warrant or Territorial treasurer for half of amount paid.
2118 County court may rescind order offering bounties or any part; must be recorded and published

§ 2114. s 1. The several county courts within the respective counties of this Territory, are hereby authorized and empowered by an order made of record upon the minutes of such county court, to offer and pay rewards for the destruction of wild animals and English sparrows, within their respective counties, not to exceed one dollar each on lynxes, grey wolves and wild cats, fifty cents on coyotes, five dollars on mountain lions and bears, two cents on jack rabbits and ground squirrels, ten cents on musk rats, minks and weasels, five cents on gophers, and one quarter of a cent on English sparrows, as hereinafter provided.

March 3, 1888.
County court may offer reward for destruction of wild animals, and English sparrows; rates of such bounty.

§ 2115. s 2. The person or persons who shall hereafter kill any of the above named wild animals, or said birds, in order to receive the reward mentioned in section one of this act, shall produce the head or scalp of such animal with ears attached, or the head of such bird, before the county clerk in and for any county as aforesaid.

Evidence required.

§ 2116. It shall be the duty of such county clerk to diligently examine such person or persons, and such other witnesses as said county clerk may deem proper, on oath or affirmation, touching the time, when, and place where such animal or bird was so taken and killed, and the circumstances thereof. If upon such examination the county clerk shall be satisfied that such animal or bird was taken and killed by the person or persons producing the head or scalp thereof, within the limits of the county for which said county clerk is qualified to act, he shall immediately cause such head, or scalp, to

Duty of county clerk in examination of bounty claimants.

May issue
warrant on
county treas-
urer.

Quantity nec-
essary of cer-
tain animals,
or of sparrows,
to entitle
claimant to ap-
ply for reward

be destroyed, and shall issue a warrant on the treasury of such county for the reward offered in accordance with the provisions of this act, to the person or persons producing such head or scalp; *Provided*, That any person or persons must present not less than three hundred scalps or heads of jack rabbits and ground squirrels, or not less than one hundred heads of English sparrows, at any one time, to entitle them to the reward offered in accordance with the provisions of this act.

Clerk to keep
account and
present to au-
ditor, who is
thereupon to
draw warrant
on Territorial
treasurer for
half of amount
paid.

§ 2117. s 3. The county clerk of each county shall keep a true account of the moneys paid out under this act, and the number of each species of animals or English sparrows for which bounties have been paid, and whenever the amount so paid reaches the sum of fifty dollars or more, said clerk shall present said account, sworn to by said clerk as being true and correct, to the Territorial auditor, who shall draw his warrant upon the Territorial treasurer for one-half of said amount, which shall be paid by said treasurer out of any moneys in the treasury not otherwise appropriated, and forward the same to said county.

County court
may rescind
order offering
bounties or
any part of it;
must be by
order recorded
and published.

§ 2118. s 4. Any county court may at any time, set aside, vacate and rescind their order, or any part thereof offering and paying such rewards as are provided for in section one of this act, or may reduce the amounts of such rewards; *Provided*, That an order be made of record to such effect upon the minutes of such court, and published in some newspaper having general circulation in said county, at least ten days before said action shall take effect.

[Approved, March 3, 1888.]

CHAPTER XV.

REGULATIONS ON SUNDRY SUBJECTS OF PUBLIC CONCERN.

INTEREST.

SECTION.

2119 Lawful to take ten per cent, per annum, when rate not agreed on.

§ 2119. ⁽³⁸⁰⁾ It shall be lawful to take ten per cent. interest per annum, when the amount of interest has not been specified or agreed upon.

What interest
lawful when
no interest
specified
Feb. 10, 1869

USE OF CERTAIN PAPERS AS MONEY.

SECTION.

2120 Use of note, check, etc., as money prohibited.

SECTION.

2121 Construction of the prohibition.

§ 2120. ⁽³⁸¹⁾ Any person, private corporation, firm or association issuing or circulating any note, check, memorandum, token or other obligation for the use as money in lieu of lawful money or other lawful medium of exchange, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any court having jurisdiction, be punished for each offence by fine not exceeding one thousand dollars, to be paid into the Territorial treasury, or by imprisonment not exceeding six months, or by both fine and imprisonment.

Use of note,
check, etc., as
lawful money
forbidden.
Jan. 22, 1864.

§ 2121. ⁽³⁸²⁾ This act shall not be construed to in any manner apply to Territorial, county, or city paper, nor to prevent any person from returning the class of paper prohibited in this act, but issued or in circulation previous to the time this act takes effect, to the person, corporation, firm or association purporting to have issued it; and if said person, corporation, firm, or association refuses or neglects to pay or redeem the aforesaid paper when it is presented for payment, or to make satisfactory arrangements for paying or redeeming it, he shall, in addition to the amount claimed on the paper so returned, be liable for all loss that may accrue through such neglect or refusal; and the interest on the aforesaid amount

Construction
of former sec-
tion.

shall be calculated and paid at the rate of six per cent. per month during the time of such neglect or refusal.

HOLIDAYS.

SECTION.

2122 Legal holidays, when they fall on Sunday, the following Monday the holiday.

SECTION.

2123 When notes and bills become due.

Legal holidays, *Proviso*, etc.

March 9, 1882.

§ 2122. s 1. The following named days are hereby designated and declared to be legal holidays in said Territory, to-wit: the first day of January; the twenty-second day of February; the thirtieth day of May, commonly called Decoration Day; the fourth day of July; the twenty-fourth day of July, commonly called Pioneer's Day; the twenty-fifth day of December, commonly called Christmas, and all days which may be set apart by the President of the United States, or the Governor of Utah Territory, by proclamation, as days of fast or thanksgiving; *Provided*, That when any of said days shall fall on Sunday, the following Monday shall be the holiday.

Notes and bills become due.

§ 2123. s 2. In case the last day of grace upon any note, or bill, falls upon any legal holiday, or upon Sunday, then said note or bill must be presented on the secular day next preceding the holiday, and in case Sunday and a legal holiday come together, then said note or bill must be presented on the day next succeeding said Sunday and said holiday.

CHAPTER XVI.

ENCOURAGEMENT OF INDUSTRIES.

DESERET AGRICULTURAL AND MANUFACTURING SOCIETY.

SECTION.

- 2124 Society incorporated.
 2125 Officers of the society.
 2126 President and directors to be body corporate.
 2127 May make by-laws, etc.
 2128 Shall hold annual exhibition, etc.
 2129 Majority of board quorum for transaction of business.
 2130 Appropriation for.
 2131 Condition of membership.
 2132 Fund created for importing improved breeds of sheep.

SECTION.

- 2133 Society to make report to Legislative Assembly.
 2134 Resolution accepting grant of land for benefit of agriculture, etc.
 2135 Statistics what to contain and manner of making tables.
 2136 Discretionary powers.
 2137 Appropriation to defray expenses of bureau. Forms.
 2138 Donation and acceptance of donation at fair grounds.

§ 2124. ⁽⁴²⁴⁾ With a view of promoting the arts of domestic industry, and to encourage the production of articles from the native elements in this Territory, Be it enacted, etc.: That the "Deseret Agricultural and Manufacturing Society" be formed and chartered as follows:

Society formed and chartered.
 Jan. 17, 1856.

§ 2125. ⁽⁴²⁵⁾ There shall be a president and eleven directors, who shall be elected by the joint vote of the present Legislative Assembly and biennially thereafter by a joint vote of said Assembly. Said board may elect a treasurer and secretary, and such other officers as they may deem necessary.

March 8, 1888.

§ 2126. ⁽⁴²⁶⁾ Said board of president and directors are hereby constituted a body corporate, with perpetual succession; and shall be known by the name and style of "The Deseret Agricultural and Manufacturing Society," and shall have power to sue and be sued, defend and be defended in all courts of law or equity; and may have a seal which they may use and alter at pleasure.

Name and style of corporation.
 Jan. 17, 1856.

§ 2127. ⁽⁴²⁷⁾ Said society have power to make, establish and carry out all needful by-laws, not conflicting with the Constitution of the United States and the laws of this Territory; and to do and perform all acts necessary for the proper exercise

May make by laws, etc.

of the powers herein conferred, and for promoting the objects contemplated in this act.

Shall hold
annual exhibi-
tion.
Award
premiums, etc.

§ 2128. ⁽⁴²⁸⁾ They shall hold an annual exhibition at Salt Lake city, or at such other place or places as they shall deem proper, of all such agricultural products, stock and domestic-manufactured articles as, in their opinion, will be best calculated to stimulate the people of this Territory in industrial pursuits, and best subserve the cause of domestic industry; and shall award premiums for the best specimens of all such articles and animals as they will permit to be entered in the lists for competition; and shall annually publish a list of what they will consider entitled to premiums and fix the rate and award premiums as they shall deem proper; *Provided*, That other articles than those included in the list shall be admitted and arranged for by the board, and be exhibited under their direction.

Quorum for
transaction of
business.

§ 2129. ⁽⁴²⁹⁾ A majority of said board shall form a quorum to do business, may fill vacancies in the board, and fix the manner and rate of the admission of members of said society.

Appropriation.

§ 2130. ⁽⁴³⁰⁾ For the purpose of starting this enterprise and aiding the president and directors in carrying out the objects contemplated in this act, the sum of fifteen hundred dollars is hereby appropriated, to be drawn by the treasurer of said society, and expended by the board in awarding premiums for the best specimens of native productions on exhibition for premiums under their directions.

Condition of
membership.

§ 2131. ⁽⁴³¹⁾ No person can become a member of this society, or be entitled to receive any premium, without complying with such rules and terms of admission as shall be established by said board.

Fund created
for importing
improved
breeds of
sheep.
Feb. 3, 1869.

§ 2132. ⁽⁴³²⁾ That the sum of five thousand dollars is hereby appropriated, out of any moneys in the Territorial treasury, not otherwise appropriated, to be drawn and expended by order of the president of the board of directors of the Deseret Agricultural and Manufacturing Society, in importing into this Territory, within the next ensuing twelve months, improved breeds of sheep, which shall be sold, or disposed of, by the president and board of directors of said society in such a manner, so far as it may be practicable, as will not depreciate the sum appropriated, that it may remain in the hands of said society, as a fund, for the importation

of improved breeds of sheep, until otherwise provided by law.

§ 2133. ⁽⁴³³⁾ It shall be the duty of the president and board of directors of said society to make an annual report, during the first week of its session, to the Legislative Assembly, of the kinds and number imported, the cost of their importation, the number sold, how much sold for; also the amount of money, and the number, kind, and approximate value of sheep on hand.

Report to be made to Legislative Assembly.

§ 2134. ⁽⁴³⁴⁾ Whereas, by act of Congress, approved July 2, 1862, and an act amendatory of the same, approved April 14, 1864, grants of land were proffered the several States and Territories, for the benefit of agriculture and the mechanic arts, and for the establishment of agricultural colleges in the several States and Territories, under certain conditions and restrictions.

Resolution accepting grant of land for benefit of agriculture, etc. Jan. 13, 1865.

Resolved, That in behalf of the Territory of Utah, this Assembly accept the said grant of land proffered by acts referred to, and agree to the conditions therein contained.

§ 2135. ⁽⁴³⁵⁾ There shall be established in connection with and under the direction of the Deseret Agricultural and Manufacturing Society, a bureau of statistics, which take cognizance of the material interests of the Territory of Utah, and may put itself in communication with county, city, precinct, and railroad officers, and other sources of information, to collect, arrange, and tabulate such data as will enable it to present to the Legislature during the first week of its session, statistical tables pertaining to the following subjects, viz.:

How established. Feb. 20, 1874.

Statistics, what to contain and manner of making tables.

1. Agriculture, as per form "A."
2. Irrigation, as per form "B."
3. Horticulture, as per form "C."
4. Manufactures, as per form "D."
5. Mines, as per form "E."
6. Immigration, as per form "F."
7. Export, as per form "G."
8. Imports, as per form "H."

§ 2136. ⁽⁴³⁶⁾ That said society shall have power to modify these tables as circumstances or experience may in their judgment require.

Discretionary powers.

§ 2137. ⁽⁴³⁷⁾ That the sum of five hundred dollars for the year eighteen hundred and seventy-four, and five hundred dollars for the year eighteen hundred and seventy-five, be appropriated to carry into effect the provisions of this act,

\$1,000 appropriated to defray expenses of bureau.

to be drawn by the president of the Deseret Agricultural and Manufacturing Society upon approved vouchers.

Forms.

FORM "A."

Agricultural Statistics, Utah Territory.

WHEAT.

Number of acres planted.
Average yield per acre in bushels.
Loss sustained.

BARLEY.

Number of acres planted.
Average yield per acre in bushels.
Loss sustained.

OATS.

Number of acres planted.
Average yield per acre in bushels.
Loss sustained.

CORN.

Number of acres planted.
Average yield per acre in bushels.
Loss sustained.

SORGHUM.

Number of acres planted.
Average yield per acre in gallons.
Loss sustained.

POTATOES.

Number of acres planted.
Average yield per acre in bushels.
Loss sustained.

CARROTS.

Number of acres planted.
 Average yield per acre in bushels.
 Loss sustained.

BEETS.

Number of acres planted.
 Average yield per acre in bushels.
 Loss sustained.

COTTON.

Number of acres planted.
 Average yield per acre in pounds.
 Loss sustained.

MEADOW.

Number of acres planted.
 Average yield per acre in tons.
 Loss sustained.
 Remarks.

FORM "B."

Irrigation Statistics, Utah Territory.

COUNTIES.

Number of acres irrigated,
 Amount expended on canals from — to —.
 Amount expended on dams from — to —.
 Amount expended in cleaning out old ditches from —
 to —.
 Remarks.

FORM "C."

Horticulture Statistics, Utah Territory.

COUNTIES.

APPLES.

Number of acres planted.

Average yield per acre in bushels.
Loss sustained.

PEACHES.

Number of acres planted.
Average yield per acre in bushels.
Loss sustained.

GRAPES.

Number of acres planted.
Average yield per acre in pounds.
Loss sustained.

CURRANTS.

Number of acres planted.
Average yield per acre in bushels.
Loss sustained.
Remarks.

FORM "D."

Tables of Manufactures.

COUNTIES.

Location and character of establishment.
Material of its construction.
Date of commencement.
Value of buildings and grounds.
Value of machinery employed.
Working capital.
Capacity.
Cost of raw material.
Hands employed, male and female.
Value of products.
Remarks.

FORM "E."

Mining Statistics, Utah Territory.

COUNTIES.

Number of mills.
Number of stamps.

Number of arrastras.
 Number of beds.
 Number of smelters.
 Capital in mills and milling machinery.
 Capital in other reduction works.
 Number of recorded mines.
 Tons of ore taken out.
 Cost of taking out, per ton.
 Tons of ore worked.
 Cost per ton for working.
 Average yield per ton—Gold, silver, lead, iron.
 Total production—Gold, silver, lead, iron.
 Remarks.

FORM "F."

Immigration Statistics, Utah Territory.

COUNTIES.

Increase in population within the year.
 Immigration from within the Territory, —— males,
 —— females.
 Immigration from without the Territory.
 Immigration from the United States.

MALES.

Over forty years of age.
 Between twenty and forty.
 Under twenty.

FEMALES.

Over forty years of age.
 Between fifteen and forty.
 Under fifteen.

FROM ABROAD—MALES.

Over forty years of age.
 Between twenty and forty.
 Under twenty.

FEMALES.

Over forty years of age.
Between fifteen and forty.
Under fifteen.

NATIONALITY.

British subjects.
Danes.
Swedes.
Germans.
Other nationalities.

FORM "G."

[Statistical Table of Exports from the Territory of
Utah, Year 188——.

COUNTIES.

EXPORTS EAST—FARM PRODUCTS—SMALL GRAINS.

Bushels of wheat.
Bushels of corn.
Bushels of barley.
Bushels of rye.
Bushels of oats.

FRUIT.

Bushels of apples.
Bushels of pears.
Bushels of dried peaches.
Bushels of dried plums.
Bushels of apricots.
Total value of fruits and small grain.

VEGETABLES.

Total value of shipments.

BUTTER.

Pounds shipped.
Value of shipment.

MINERAL PRODUCTS.

Value of mineral products shipped.

MANUFACTURED ARTICLES.

Value of manufactured articles shipped.

Value of shipments to points west of the Missouri.

Value of shipments to points east of the Missouri.

WEST—FARM PRODUCTS—SMALL GRAIN.

Bushels of wheat.

Bushels of corn.

Bushels of barley.

Bushels of rye.

Bushels of oats.

FRUIT.

Bushels of apples.

Bushels of pears.

Bushels of dried peaches.

Bushels of dried plums.

Bushels of apricots.

Value of fruits and small grain shipped west.

VEGETABLES.

Value of shipments.

BUTTER.

Pounds shipped.

Value of shipments.

MINERAL PRODUCTS.

Value of mineral products shipped.

MANUFACTURED ARTICLES.

Value of manufactured articles shipped.

Value of shipments to points east of the Sierra Nevadas.

Value of shipments to points beyond the Sierra Nevadas.

Remarks.

FORM "H."

Statistical Table of Imports, Utah Territory.

COUNTIES.

Value of manufacturing machinery, tools and supplies.
 Value of mining machinery, tools and supplies.
 Value of milling machinery, tools and supplies.
 Value of general merchandise.
 Value of provisions.
 Value of wines, liquors and tobaccos.
 Value of building materials.

AGRICULTURAL FAIR GROUNDS.

A RESOLUTION ACCEPTING FROM SALT LAKE CITY LANDS FOR THE SITE OF
 AGRICULTURAL FAIR GROUNDS FOR THE TERRITORY OF UTAH, AND
 MAKING APPROPRIATION THEREFOR.

Donation and
 acceptance of
 fair grounds.

§ 2138. Whereas, the city of Salt Lake has offered and tendered to the Territory of Utah, certain lands in trust for certain specified uses, in words and figures following, to-wit:

The Honorable, the Governor and Legislative Assembly of Utah:

Gentlemen:—I am directed by a select committee of the city council of Salt Lake city, consisting of Mayor F. Armstrong and Aldermen W. W. Riter, Thomas G. Webber, W. S. McCornick, James Sharp, and George D. Pyper, to offer and tender to the Territory of Utah, in the behalf of the city of Salt Lake, under the conditions, limitations and restrictions hereinafter named, the following-described lands and premises, to be used and devoted to the erection of permanent Territorial or State Fair buildings, to-wit: All of block twenty-five, Plat B, of Salt Lake city survey, containing ten acres of land: the same being known and designated as the Tenth Ward Square in said city. The said conditions, limitations and restrictions to be as follows, viz:

1. Acceptance of the Governor and Legislative Assembly of the premises designated and the trust therein conferred.

2. The payment of one dollar.

3. That the sum of twenty thousand dollars be appropriated by the Governor and Legislative Assembly of the Territory and be expended in the years 1888 and 1889 for the erection of permanent Territorial or State Fair buildings, and for the improvement of said land.

4. That such buildings and land be used exclusively for Territorial or State Fair purposes.

5. That the portion of the grounds not actually devoted to buildings as aforesaid, be improved and cultivated as a public park.

6. That whenever the purposes for which the proposed grant is made shall cease to be carried out, and said grounds cease to be used for said Territorial or State purposes as herein provided, then the proposed trust shall cease, and the grant becomes absolutely void and of no effect, and said lands revert to the grantor.

On the acceptance of the trust herein proposed and of the condition thereof by the Governor and Legislative Assembly of the Territory of Utah, the mayor of said city will be authorized to execute a proper deed of conveyance of said described premises to the Territory of Utah.

Very respectfully,

HEBER M. WELLS,

Salt Lake City, March 7, 1888.

City Recorder.

And, whereas, it is to the public interest that the said offer be accepted, now therefore be it

Resolved, by the Governor and Legislative Assembly of the Territory of Utah, that the offer and tender of said land by the city of Salt Lake to the Territory of Utah, as hereinbefore set forth, be and the same is hereby accepted by the said Territory, subject to the conditions, limitations and restrictions in said offer specified and set forth; and be it further

Resolved: That the sum of twenty thousand dollars is hereby appropriated for the purpose of erecting suitable fair buildings on the above-mentioned land, and that said money shall be drawn and expended by the Deseret Agricultural and Manufacturing Society, in pursuance of the provisions of this resolution.

[Approved, March 8, 1888.]

GROWTH OF TIMBER.

SECTION.

2139-2140 Exemption from taxation for planting of trees; county court to make regulations.

SECTION.

2141 Assessor to make deduction according to exemption.
2142 Right of appeal from his decision.

When property exempt from taxation.
March 10, 1880

§ 2139. s 1. There shall be exempt from Territorial, county and Territorial school taxation of the property of each taxpayer, who shall, within the Territory of Utah, plant for permanent growth and suitably cultivate one or more acres of forest trees for timber, the sum of five hundred dollars annually, for five years, for each acre so planted and cultivated: *Provided*, That the trees so planted on said land shall not be to exceed ten (10) feet apart and shall be kept in a healthy and growing condition.

Proviso.

Same.

§ 2140. s 2. That a like exemption to the amount of fifty dollars, is hereby granted to each taxpayer for each one hundred forest trees he may plant, protect, cultivate and keep in a good, growing condition upon any highway, street or irrigating stream in this Territory; *Provided*, The county court of each county in which such exemption is claimed are hereby empowered to establish rules and regulations with reference to the planting, protection and cultivation of said trees, which shall be complied with by persons claiming such exemption.

Proviso.

Proviso.

Provided further, That nothing in this section shall be so construed as to empower county courts to interfere with any regulations regarding the planting of trees that may be established by any incorporated city.

Assessor must deduct exemption from valuation of property.

§ 2141. s 3. Any person claiming the benefit of such exemption, at the time the annual assessment is made, upon showing to the satisfaction of the assessor of the county in which he resides that he has complied with the provisions of sections 1 or 2 of this act, shall be entitled to have deducted from the valuation of his property by the said assessor, the amount as hereinbefore provided, and it is hereby made the duty of said assessor to report to the county court of his county the name of each person claiming exemption, the

quantity of land planted to timber, the number of trees planted upon highways, streets and irrigating streams, and the amount deducted from the valuation of his property.

§ 2142. s 4. Any person claiming exemption under this act, who shall feel himself aggrieved by the decision of the assessor in the rejection of his claim, may apply to the county court of his county, when it meets as a board of equalization, to have the same corrected, in the same manner as other erroneous assessments.

Persons may appeal from decision of assessor, when

RECORDING PEDIGREE OF STOCK.

SECTION.

2143 Recorder of brands and marks to record pedigree of stock. 2144 When and how to be recorded.

SECTION.

2145 Fees of recorder. 2146 Penalty for false statement. 2147 Record to be Territorial property.

§ 2143. s 1. The Territorial recorder of marks and brands is hereby made the Territorial recorder of the pedigree of stock. It shall be his duty to keep suitable records, properly indexed for reference, for recording the pedigree of each of the following kinds of animals, in separate books: one book for horses, one for horned stock and one for sheep. It shall be his duty to number each kind separately and record in the order in which they are filed, the pedigrees of all animals presented for record, as prescribed in this act, and shall endorse thereon the date and page of record, and shall furnish, when required, certified copies of the pedigree of any animal found of record in his office. He is hereby authorized to administer the oaths provided for in this act, and it shall be his duty to keep a seal which he shall attach to all official documents given under his hand as such officer. Said records shall be open to the inspection of interested persons at any time during business hours.

Recorder of marks and brands to record pedigree of stock.

His duties.

§ 2144. s 2. A pedigree, to be entitled to record, must set forth the name and description of the animal, its pedigree, so far as known, and the name and residence of the owner. Where there is a doubt as to the ancestors of an animal, the

When pedigree may be recorded, and how.

owner must state it by prefixing the statement relating to that part of the pedigree with the words: "said to be," or "believed to be." Each pedigree must be subscribed and sworn to as being correct by the person owning the animal described, which oath may be administered by the said recorder or any officer authorized to administer oaths.

Fees of recorder.

§ 2145. s 3. The recorder may charge for recording a pedigree of not exceeding one hundred words, one dollar; for each additional one hundred words or fraction thereof, fifty cents, and in the same proportion for certified copies of pedigree.

Penalty for false statements.

§ 2146. s 4. Any person who shall knowingly subscribe to, or present either for record, or to any purchaser of stock a written or printed pedigree, containing statements either wholly or in part false, is guilty of a misdemeanor.

Record to be Territorial property.

§ 2147. s 5. The records and papers pertaining to said office shall be provided from the funds of the Territory and shall be Territorial property.

[Approved, March 5, 1884.]

AN ACT TO ENCOURAGE THE PRODUCTION AND MANUFACTURE OF SUGAR IN
THE TERRITORY OF UTAH.

SECTION.

2148 Manufacture of sugar; exemptions from taxation.

March 3, 1888.
Machinery,
etc., employed
in manufac-
ture of sugar;
and bonds,
etc., for loans
thereon
exempt from
taxation until
Jan. 1, 1894.

§ 2148. s 1. To encourage the production and manufacture of sugar from products raised within the Territory of Utah, all water rights, factories, buildings, implements and machinery of every kind whatsoever, actually and in good faith employed in the production and manufacture of sugar from such products in said Territory, and the stock of any company incorporated for the purpose of and actually and in good faith engaged in the production or manufacture of sugar in this Territory, and the bonds and mortgages given to secure loans on the aforesaid property shall be exempt from taxation during the period of the next ensuing six years or until the first day of January A. D. 1894.

CHAPTER XVII.

INTERNAL POLICE REGULATIONS.

INTOXICATING LIQUORS.

SECTION.	SECTION.
2149-2150 Inspector to be appointed.	2161 Penalty for selling on Sunday, permitting gambling, dancing, etc.
2151-2152 All liquors to be inspected and proved.	2162 Married women and children may recover damages.
2153-2154 Sykes' hydrometer adopted and liquor deemed of the strength it denotes.	2163 Bond evidence.
2155 Penalty for selling liquors not inspected and approved.	2164 When liquor bills can not be sued for.
2156 Selling liquor without license prohibited.	2165 Penalty for selling without license.
2157 Licenses, county court may issue; conditions.	2166 When suits may be maintained before a justice; successive suits.
2158 Regulation of licenses; amount; uniformity; time of.	2167 How penalty may be enforced.
2159 Money for to be paid into treasury in advance; record of licenses and fines.	2168 Municipal corporations not interfered with; exception of vine growers; unlawful to sell on election day.
2160 Penalty for selling to Indians, minors, etc.	2169 Penalty.
	2170 Misdemeanor to violate the act.

§ 2149. ⁽⁹⁷⁾ There shall be and hereby is created the office of a Territorial Inspector of Spirituous Liquors. Inspector
Feb. 5, 1882

§ 2150. ⁽⁹⁸⁾ The Territorial inspector of liquors shall be appointed by the Governor, and may be removed at pleasure. Governor
appoint

§ 2151. ⁽⁹⁹⁾ All spirituous liquors manufactured or imported into this Territory, before being offered for sale, shall be inspected by the Territorial inspector of liquors, or his deputy. Liquors
inspection

§ 2152. ⁽¹⁰⁰⁾ It shall be the duty of the inspector of liquors, or deputy, to inspect and prove all liquors that he may be called to prove or gauge, etc., and attach his mark or seal on the vessels containing the same. Inspect and
prove liquors

§ 2153. ⁽¹⁰¹⁾ That Sykes' hydrometer and scale, adopted by the British Board of Excise, July 2nd, 1816, be, and is hereby adopted as the standard for the proving spirits, in the Territory of Utah. Sykes'
hydrometer

Shall denote	§ 2154. ⁽¹⁰²⁾ All spirits shall be deemed of the strength which Sykes' hydrometer donates them.
Selling liquors not inspected	§ 2155. ⁽¹⁰³⁾ Any person selling spirituous liquors, that have not been inspected and approved by the inspector or deputy, according to the provisions of this act, shall forfeit and pay any sum not exceeding five hundred dollars for every such offence, at the discretion of the court having jurisdiction, to be paid into the Territorial treasury.
Penalty	
Sale of liquor without license forbidden March 9, 1882	§ 2156. s 1. No person shall manufacture, sell, barter, deal out, or otherwise dispose of any spirituous, vinous, malt, or other intoxicating liquors, without first obtaining from the county court of the county, or city council of the city, in which he intends to do business, a license therefor, as hereinafter provided.
County court and city council may issue licenses March 9, 1882 Feb. 29, 1884	§ 2157. s 2. The county courts in their respective counties, and the city councils in their respective cities, are hereby authorized to grant licenses, as contemplated in section one of this act, to any person over the age of twenty-one years, upon an application being made for such license, by petition signed by the applicants and filed with the county clerk, or city recorder, as the case may be. Said petition must state definitely the particular place at which any of the liquors named in section one of this act are intended to be manufactured, sold, bartered, dealt out or otherwise disposed of, whether he intends to carry on a retail or wholesale business. Before granting to the applicant a license he shall execute a bond to the county or city, as the same may be, conditioned that during the continuance of his license he will keep an orderly and well-regulated house; that he will not allow gambling with cards, dice or any other device or implements used in gambling, within his house, out-house, yard or other premises under his control; that he will pay all damages, fines and forfeitures which may be adjudged against him under any of the provisions of this act. Said bond shall be fixed by the county court or city council, as the case may be, in any sum not less than one hundred dollars, nor more than one thousand dollars, with two or more sureties, to be approved by said judges or mayor. Said sureties must justify on oath, before some officer authorized to administer oaths, that they are residents within the Territory, and worth the amount justified to, over and above all other debts and liabilities, exclusive of property exempt from execution. Such justifi-
Bond to be filed	
Amount of bond March 9, 1882 Feb. 29, 1884	

cations shall be in writing, signed by the persons justifying, and certified to by the officer who administers the oath, and attached to and filed with the bond.

§ 2158. s 3. The county court or city council, as the case may be, after the petition, statement and bond have been filed as required in the preceding section, shall determine the amount to be paid for the license prayed for, which shall be at the rate of not less than six hundred, nor more than twelve hundred dollars for the period of one year; but licenses of the same classes of business shall be uniform in amount in such city or county. Said court or council, as the case may be, shall also determine the time for which the license shall be granted, but no license shall be issued for a longer period than one year, nor for a less period than three months. (1)

March 8, 1888
Amount of
license

Licenses to
be uniform
in amount

Term of
license

§ 2159. s 4. The amount as determined by the county court or city council must be paid into the county or city treasury, as the case may be, by the applicant, who, upon receiving the treasurer's receipt, shall present the same to the clerk of the county court or the city recorder. The county clerk or city recorder shall thereupon issue to the applicant a certificate of license, which certificate must state the name of the person licensed, the place of business, the kind or kinds of liquors to be manufactured, sold, bartered or otherwise disposed of, the date of commencement and expiration of such license, whether it is for a retail or wholesale business, that the person named therein is duly authorized to carry on the business of manufacturing, selling, bating or otherwise disposing of intoxicating liquors at the place and for the time therein specified, and that the license is not transferable. Said certificate shall be signed by the county clerk or city recorder, as the case may be, who shall seal the same with the seal of the county or city.

Money to be
paid into
treasury in
advance

Clerk or
recorder to
issue license

Conditions
of license

§ 2160. s 5. Any person licensed as herein provided, who shall knowingly give, sell or otherwise dispose of any intoxicating drink to an Indian, insane or idiotic person, or to any minor, apprentice or employee under twenty-one years of age, or who shall permit any of said persons to be and remain in his place of business where liquors are sold, without the consent of the parents, guardians or employer thereof, shall

March 9, 1882
March 1, 1884
Penalty for
selling to
Indians,
minors, etc.

1) Took effect June 1, 1888.

be held and deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars, and shall also be liable to pay all costs of prosecution.

§ 2161. s 6. Any person licensed as aforesaid, or any person neglecting or refusing to obtain a license, as herein provided, who shall either,

1. Sell, give away, or otherwise dispose of any intoxicating drink at any time during the first day of the week, commonly called Sunday, except for medical purposes upon the prescription of a physician, or

2. Who shall permit on his premises where such intoxicating drink is sold, any gambling by means of dominoes, cards, dice, or other articles or any other description of gambling, or

3. Who shall permit dancing, drunkenness, sleeping or lodging in the night time, or who shall permit any disorderly conduct in his saloon licensed for the sale of liquors, shall be deemed guilty of a misdemeanor, and shall be punished by a fine in any sum less than three hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment at the discretion of the court.

§ 2162. s 7. It shall be lawful for any married woman to institute and maintain, in her own name, a suit on any such bond for all damages sustained by herself and children, or either, on account of such traffic, and the money, when collected, shall be paid over for the use of herself and children, or either.

§ 2163. s 8. On the trial of any suit on such bond, a copy thereof, properly authenticated, shall be evidence in any court in this Territory.

§ 2164. s 9. No suit for liquor bills, when sold in less quantity than five gallons at one time, shall be maintained in any court in the Territory, and when it shall be made to appear that any promissory note, mortgage or other obligation on which a suit is pending was given for liquor sold in less quantity than five gallons at one sale, such suit shall be dismissed at the cost of the plaintiff, except such sales be for medical, mechanical or sacramental purposes.

§ 2165. 10. Any person who shall sell or otherwise dispose of, for gain, upon any pretext whatever, malt spirituous or vinous liquors, or any intoxicating drink, without first having

Penalty for
selling, etc.,
on Sunday
March 11, 1886

Penalty for
gambling on
premises, etc.

Penalty for
dancing, etc.,
where liquors
are sold
March 7, 1888

March 9, 1882
Married
women and
children may
recover
damages

March 9, 1882
Bond to be
evidence

When liquor
bills cannot
be sued for

March 9, 1882
Penalty for
selling without
license
March 9, 1882

complied with the conditions of, and obtained a license as set forth in this act, shall, for each offence, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum less than three hundred dollars, or be imprisoned, not exceeding six months, in the county or city jail, or be both fined and imprisoned, and shall be liable, in all respects, to the public and to individuals, the same as he would have been had he given bonds and obtained a license as herein provided.

§ 2166. s 11. All suits for damages or expenses arising under any of the provisions of this act, may be commenced and maintained before any justice of the peace of the proper county or city, when the amount of the damages claimed is less than three hundred dollars, although the penalty in the bonds may exceed that amount, and the judgment shall be for the amount of damages proved; and successive suits by different persons having different causes of action, may be had upon the same bond until the aggregate amounts of all judgments rendered thereon equal the penalty thereof.

§ 2167. s 12. In all judgments or convictions of any person of a misdemeanor, under the provisions of this act, the court, in its discretion, may order that the defendant, in default of payment of the fine and costs, be imprisoned until such fines and costs are paid, said imprisonment, however, not to exceed the term of six months in all; or may order that executions issue against the defendant for such fine and cost, and should any such execution be returned unsatisfied, either wholly or in part, a suit may be maintained upon any bond that such defendant may have given in accordance with section two of this act.

§ 2168. s 13. No provision of this act shall be so construed as to authorize any county court or county officer to interfere with the rights granted to municipal corporations by their several charters, and the amendments thereto, to license, tax, and regulate, restrain and prohibit the manufacture, selling, or in any other manner disposing of vinous, spirituous and malt liquors, within the corporate limits, or to prohibit vine growers, without a license, from expressing and selling on the premises where expressed, the pure juice of the grape, in quantities not less than five gallons, to one person at one time; *Provided*, That where any municipal corporation has the right in its charter to prohibit the manufacture, sale and

When suits
may be
maintained
before justices
of the peace

Successive
suits may be
maintained

March 9, 1882
How penalty
may be
enforced

Municipal
corporations
not interfered
with
March 9, 1882

Vine growers
excepted,
when

Provido
March 9, 1882.

otherwise disposing of spirituous, vinous and malt liquors, nothing in this act shall be so construed as to impair such right.

March 6, 1888
Liquor not to
be sold or
given away on
election day

§ 2169. s 1. It shall not be lawful for any person or persons keeping a public house, saloon or drinking place, either licensed or unlicensed in any city or county of this Territory, to sell, give away, or furnish spirituous or malt liquors, wine or any other intoxicating beverages, on any part of any day set apart, or to be set apart, for any general or special election for Territorial, county, municipal, district or precinct officers, except school trustees, by the citizens in any election district or precinct, in any of the counties or municipalities within this Territory.

A misdemeanor-
or to violate
the act

§ 2170. s 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor.

QUARANTINE.

SECTION.

- 2171 Quarantine territory.
- 2172 Physicians to be appointed.
- 2173 Board of quarantine; duties, etc.
- 2174 When necessary to remove persons.

SECTION.

- 2175 When infected persons may remain at home.
- 2176 Physicians to make report.
- 2177 Duties of physicians and nurses.
- 2178 Penalty.
- 2179 When this act not to apply.

March 9, 1882
Quarantine
territory.

§ 2171. s 1. All that portion of territory embraced within the limits of each county, is hereby declared subject to quarantine regulations.

Physician to
be appointed,
duties, etc.

§ 2172. s 2. The county court of each county shall appoint one quarantine physician, who, before entering upon the duties of his office, shall take and subscribe to an oath of office, and give a bond to the county in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties; said bond shall be approved by the probate judge, and filed with the clerk of the county court.

Board of
quarantine,
duties, etc.

§ 2173. s 3. Said physician, associated with the county court of their respective counties, shall constitute a board of quarantine, who shall locate quarantine grounds, and make and enforce such quarantine regulations, within the limits of their respective counties, as they may deem necessary.

§ 2174. s 4. Any person or persons found within said quarantine limits, in an unhealthy condition, from any contagious disease, if in the judgment of the board the safety of the persons so infected or the public good shall render such action necessary, said board may require the removal of such person to any place within the limits of the county as they may provide; and if any such person shall neglect or refuse to comply therewith, it shall be the duty of said board to have such person removed at his expense, and to thoroughly disinfect such premises and enforce such other quarantine regulations as they may deem necessary.

When necessary to remove persons.

§ 2175. s 5. If in the judgment of the board it shall be deemed advisable for the person so infected to remain in his usual place of abode for care and treatment, they shall compel the strict quarantine of said place of abode, by causing to be kept displayed in a conspicuous place upon such premises, a yellow flag, during the period of danger; and to prevent as far as possible all ingress and egress to and from such premises, until the most thorough measures for disinfecting such premises shall have been taken and all danger from infection shall have ceased.

When infected persons may remain at home

§ 2176. s 6. All physicians or other persons having any knowledge of the existence of any contagious disease, or having reason to believe any such disease exists, are hereby required to report the same forthwith to said board.

Physicians may make report

§ 2177. s 7. All physicians or nurses, or other persons having been exposed to any contagious disease, are hereby forbidden to mingle with, or in the presence of others subject to the contagion, in the clothing worn by them while so exposed, unless the same has been thoroughly disinfected, or to otherwise expose any person to such contagion.

Duties of physicians and nurses

§ 2178. s 8. Any person who shall wilfully or knowingly introduce any contagious disease into any settlement, or who neglects or refuses to comply with any of the provisions of this act, shall be liable for each offence, to a fine in any sum less than one hundred dollars, or be imprisoned not to exceed six months, or both fine and imprisonment, at the discretion of the court.

Penalty

§ 2179. s 9. The provisions of this act shall not apply to incorporated cities, which by their charters have authority to enforce quarantine regulations.

Act not to apply, when

INQUESTS.

SECTION.

- 2180 Coroner or justice to hold.
- 2181 Form of warrant.
- 2182 Duty of officer.
- 2183 Juror failing to appear.
- 2184-2185 Subpœnas; oath to witnesses; testimony.

SECTION.

- 2186-2188 Duty of jurors; when finding not made public.
- 2189-2190 Warrant of arrest.
- 2191-2192 What warrant to contain; where to be returned.
- 2193 Disposition of body.
- 2194 Fees.

Coroner or justice to hold inquests
Feb 20, 1868

§ 2180. ⁽²⁴⁰⁾ The coroner or any justice of the peace shall hold an inquest upon the dead bodies of such persons only as are supposed to have died by unlawful means. When he has notice of the dead body of a person supposed to have died by unlawful means found or being in his county or precinct, he is required to issue his warrant to the sheriff or either of his deputies or any constable requiring him to forthwith summons any three qualified electors, that he can the most readily find, to appear before him at a time and place named in the warrant.

Form of warrant

§ 2181. ⁽²⁴¹⁾ The warrant may be in substance as follows:

Territory of Utah, }
——Precinct, }
——County. }

To——Officer——Precinct——County:

In the name of the Territory of Utah, you are hereby required to forthwith summon three qualified electors of your precinct to appear berore me at [name the place] at [name the day and hour or say forthwith] then and there to hold an inquest upon the dead body of —— there lying, by what means he died.

Witness my hand this —— day of —— A. D. 18 .

Signed, A. B., Coroner of —— county, [or] E. D., Justice of the Peace in —— Precinct in —— county.

Duty of officer

§ 2182. ⁽²⁴²⁾ The officer shall execute the warrant and make return thereof at the time and place named.

In case juror fails to appear

§ 2183. ⁽²⁴³⁾ If any juror fails to appear, the coroner or justice of the peace shall immediately cause the proper number to be summoned or returned from the bystanders and

proceed to empanel them and administer an oath in substance as follows:

“You do solemnly swear [or affirm] that you will diligently enquire and true presentment make, when, how and by what means the person whose body lies here dead came to his death, according to your knowledge and the evidence given you: So help you God.”

§ 2184. ⁽²⁴⁴⁾ The coroner or justice of the peace may ^{May issue sub-} issue subpoenas for witnesses within his county, returnable ^{pœna} forthwith, or at such time as he shall direct, and witnesses shall be allowed the same fees as in cases before a justice of the peace; and the coroner has the same authority to enforce the attendance of witnesses and to punish them and jurors for contempt in disobeying his process as a justice of the peace has.

§ 2185. ⁽²⁴⁵⁾ An oath [or affirmation] shall be adminis- ^{Oath of wit-} tered to the witnesses in substance as follows: ^{ness}

“You do solemnly swear [or affirm] that the testimony ^{When} which you shall give to this inquest, concerning the death ^{testimony to} of the person whose body is here lying dead, shall be the ^{be written} truth, the whole truth and nothing but the truth: So help you God.”

§ 2186. ⁽²⁴⁶⁾ The coroner or justice of the peace may ^{Duty of jurors} require the testimony to be written and subscribed to by the witnesses.

§ 2187. ⁽²⁴⁷⁾ The jurors, having inspected the body, heard the testimony and made all needful inquiries, shall return to the coroner or justice of the peace, their inquisition in writing, subscribed to by them, and stating the matters, so far as found, in substance according to the following suggested form:

Territory of Utah, }
 ———Precinct, }
 ———County. }

An inquisition holden at———in———precinct,———
 county, on the———day of———, A. D, 18—, before———
 coroner of said county [or justice of the peace in———
 precinct in said county] upon the body of———[or person
 unknown] there lying dead, by the jurors whose names are
 hereto subscribed. The said jurors upon their oaths do say,
 [here state when, how, by what person, means, weapon or
 accident, he came to his death, and whether feloniously.]

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

[The foregoing inquisition must be attested by the coroner or justice of the peace.]

When finding
not to be made
public
Feb. 20, 1868.

§ 2188. ⁽²⁴⁸⁾ If the inquisition find that a crime has been committed on the deceased, and name the person whom the jury believe has committed it, the inquest shall not be made public until after the arrest directed in the next section.

Warrant of
arrest

§ 2189. ⁽²⁴⁹⁾ If the person charged be present, the coroner or justice of the peace may order his arrest by an officer or any other person present, and shall there make a warrant, requiring the officer or other person to take him before a justice of the peace.

Same

§ 2190. ⁽²⁵⁰⁾ If the person charged be not present and the coroner or justice of the peace believes that he can be taken, the coroner or justice of the peace may issue a warrant to the sheriffs and constables of the county requiring them to arrest the person and take him before a justice of the peace, when he shall be dealt with as a person held under a complaint in the usual form.

What warrant
to contain

§ 2191. ⁽²⁵¹⁾ The warrant of the coroner or justice of the peace shall substantially recite the transactions before him and the verdict of the jury of inquest leading to the arrest, and such warrant shall be a sufficient foundation for the proceeding of the justice, instead of a complaint.

Where to be
returned

§ 2192. ⁽²⁵²⁾ The coroner or justice of the peace shall return to the probate court the inquisition, the written evidence, and a list of the witnesses who testify material matter.

Disposition of
body

§ 2193. ⁽²⁵³⁾ The coroner or justice of the peace shall cause the body of a deceased person, which he is called to view, to be delivered to his friends, if any be present or within convenient distance; but if not, he shall cause it to be decently buried, and the expense to be paid from any property of the deceased, or if there be none, from the county treasury, by certifying an account of the expenses, which being presented to the county court, shall be allowed by them, if deemed reasonable, or so much thereof as they may deem reasonable, and paid as other claims on the county.

FEES.

Fees

§ 2194. ⁽²⁵⁴⁾ For a view of each body and for
taking and returning inquest, - - - - - \$5.00

For a view of each body and for examination without inquest, - - - - -	3.00
Each subpoena, warrant or venire, - - - - -	25
For each mile traveled to and returning from an inquest or examination, - - - - -	10

The above fees are to be paid from the county treasury where they cannot be obtained from the estate of the deceased.

For all other services the coroner is entitled to the same fees as are allowed to sheriffs in similar cases.

In taking an inquisition, if deemed requisite by the coroner, justice of the peace or jury, one or more physicians or surgeons may be summoned to make a scientific examination, and in such cases may be allowed a reasonable compensation instead of witness fees.

FOUL BROOD IN BEES.

SECTION.	SECTION.
2195-2196 Inspectors of bees to be appointed; term of office; how to qualify.	2198 Inspection on complaint of foul brood
2197 Fitness for office of inspector, how determined.	2199 Foul brood to be destroyed.
	2200 Penalty for failure to comply with act.
	2201 Expenses, how provided for.

§ 2195. s 1. It shall be the duty of the county court of each county to appoint from among the bee-keepers of the county, one or more suitable persons as inspectors of bees.

Inspectors of bees to be appointed
Feb. 16, 1880

§ 2196. s 2. These inspectors shall be appointed biennially, viz: On the first Monday in March of each alternate year, or at the first regular sitting of the court thereafter, and shall perform the duties of bee inspectors for two years, and until their successors are appointed and qualified. Said inspectors shall qualify by taking and subscribing an official oath, and giving bonds with sureties to be approved by their respective county courts, and said bonds to be filed with the clerks of said courts.

When appointed, term of office, how to qualify, and amount of bonds

Inspectors,
fitness of, how
determined

§ 2197. s 3. In determining the fitness of a person to fill the position of inspector, the court may be guided by the wishes of the majority of the bee-keepers owning or keeping bees in their respective counties, and it shall be deemed lawful for any inspector, if he so desires, to invite one or more persons to assist him in prosecuting his inspections; *Provided*, That no charge is made for this voluntary service.

Foul brood in
bees, when to
inspect, etc.

§ 2198. s 4. In the complaint of any person to the effect that in his opinion the disease known as foul brood exists among the bees of any person or persons, whether owners or custodians, it shall be the duty of the inspector residing nearest to where the foul brood is suspected to exist, to immediately inspect the bees believed thus to be infected, and if said inspector finds that foul brood does exist, he shall there and then instruct said bee-keeper to wholly destroy said bees and hives in which it is found, by immediately burning or burying them.

Bee-keepers
must destroy
foul brood,
when
discovered

§ 2199. s 5. If a bee-keeper, by his own inspection, or through any source other than through a duly appointed inspector, discovers foul brood in his apiary, it shall be his duty to wholly destroy the hives affected as provided for in section 4 of this act, failing to do which he will be held liable to the penalties hereinafter imposed.

Penalty for
failure to
comply with
provisions of
this act

§ 2200. s 6. If the bee-keeper in whose colony the foul brood is discovered, either by himself or an inspector, does not immediately wholly destroy said diseased bees and hive in the manner above provided, on the complaint of an inspector or other competent person before the nearest justice of the peace of the precinct in which said bee-keeper keeps his bees, and on sufficient and lawful proof, he shall be held liable to a fine not less than five dollars (\$5), nor to exceed twenty-five dollars (\$25), for the first offence, and for each additional offence he shall be liable to a fine not to exceed fifty dollars (\$50).

County courts
to appropriate
for necessary
expenses

§ 2201. s 7. To provide for the prosecution of the duties of bee inspectors of under this act, the county courts are hereby authorized to appropriate such sums as may be necessary for these purposes out of the revenues of the several counties.

BRANDING AND HERDING CATTLE.

SECTION.

- 2202 Cattle driven not to be mixed with those of settlers; penalty for driving over settlers' lands.
- 2203 Penalty for driving stock from range without owner's consent.
- 2204 Cattle, etc., not to be sold without written bill of sale.
- 2205 Unbranded cattle unlawful to purchase; butchers to keep record; bill of sale of hides; record open to inspection.
- 2206 Pound keepers made inspectors; duties; slaughterers to show hide, etc.; certificate; fees.

SECTION.

- 2207 Skinning animals, when unlawful.
- 2208 Detectives may be appointed.
- 2209-2210 Penalty for stealing cattle; for receiving them; for unlawful branding.
- 2211 Cattle drover defined; his duties.
- 2212 Proof of brands and marks.
- 2213 Shipping cattle in night time, when unlawful.
- 2214 Penalty for violating provisions of act.

§ 2202. s 1. Every person having charge of or engaged in driving any drove of cattle, horses or sheep numbering twenty head, or more, who shall drive the same into or through any county of this Territory, shall prevent the same from mixing with the cattle, horses or sheep belonging to actual settlers, and shall also prevent said drove of cattle, horses or sheep from trespassing on such land as may be the property of the actual settler and used by him for the grazing of animals, or growing of hay, grain or timber, or from doing injury to the ditches made for the irrigation of crops. If any person in charge of or engaged in driving any such drove of cattle, horses or sheep, shall wilfully injure any resident in the Territory by driving said drove of cattle, horses or sheep from the public highway, and herding the same on the lands occupied and improved by settlers in possession of the same, it shall constitute a misdemeanor, and shall be punished by a fine in any sum less than one hundred dollars, at the discretion of the court, and render such person or persons liable for all damages that may be done to the property of said settler.

Persons driving cattle, etc., must prevent mixing with cattle, etc., belonging to actual settlers
March 11, 1886

Penalty for wilfully driving cattle, etc., upon lands of settlers

§ 2203. s 2. Every person who shall knowingly drive any stock off its range in this Territory without the consent of the owners of such stock, shall be liable to indictment for grand larceny, and may be fined in any sum not exceeding one thousand dollars, and shall be liable for damages to the party injured, to the amount of two hundred dollars for each

Penalty for driving stock from range without consent of owners
March 11, 1886.

head so driven off, together with all costs accruing in the trial of said cause, and said herd or stock shall be held liable for the same, or a sufficient number to cover all damages and costs; *Provided*, That the owner, or the lawful occupant of the land shall have the right to drive from such land any cattle, horses or sheep which may be trespassing thereon.

Sale of cattle,
etc., unlawful
without bill of
sale
March 11, 1886

§ 2204. s 3. It shall be unlawful after the passage of this act, for any person in this Territory to sell any neat cattle, horse, mare or gelding, goat, sheep, mule or ass, without giving a written bill of sale therefor, and it shall be unlawful for any person in this Territory to purchase any neat cattle, horse, mare or gelding, goat, sheep, mule or ass without receiving a bill of sale therefor. *Provided, further*, That if at the time of the sale of any of the foregoing enumerated stock, said stock is marked and branded or either, with the brand and mark of the owner, the bill of sale shall contain a full description of such brands and marks or either as the case may be.

Proviso.

Purchase of
unbranded or
unmarked
cattle
unlawful
March 11, 1886.

§ 2205. s 4. No person shall purchase or kill in this Territory, any neat cattle until the same is distinctly marked or branded, or both, and every person engaged in slaughtering neat cattle in this Territory shall keep a record of all cattle so slaughtered, naming the person or persons of whom purchased, and his or their place of residence, the age, color, sex and brand and marks of neat cattle slaughtered, which record shall at all times be open for the inspection of the public. It shall be unlawful to sell any hide of any neat cattle, without giving the purchaser a bill of sale of such hide, and it shall be unlawful for any person to purchase any such hide in this Territory without receiving a bill of sale therefor, and such bill of sale shall contain full description of the owner's mark and brand and other marks and brands on such hide. *Provided, further*, That all first purchasers of hides in this Territory, shall keep a record of all hides of neat cattle purchased by them, which record shall state the name or names of the persons from whom purchased, and his or their place of residence, and all brands and marks on said hides, which record shall, at all times, be open for the inspection of the public.

Persons
slaughtering
cattle must
keep record

Sale of hides
unlawful
without bill
of sale, etc

First pur-
chasers of
hides must
keep record.

Record must
be open to
inspection.

Pound keepers
constituted
inspectors
of cattle.

§ 2206. s 5. The pound keepers of the several precincts of this Territory are hereby constituted and made inspectors of cattle; and every butcher or other person slaughtering neat cattle, shall cause the same to be inspected

by the inspector of the precinct in which such slaughtering is to be done, and such inspector shall make and keep a record of the marks, brands, age, sex and color of such animal about to be slaughtered. All persons other than butchers, who occasionally slaughter neat cattle for beef, either for home consumption or for other purposes, in addition to the inspection herein required, shall exhibit the hide of every such beef at the time and place the beef is offered for sale. The inspector shall issue a certificate describing the marks, brands, age, sex and color of the animals inspected, and shall be entitled to receive and collect for his services a fee of twenty-five cents for each and every animal so inspected to the number of five head at any one time, and for each animal in excess of five head, ten cents.

Duties of.

All persons slaughtering must exhibit hide, etc.

Certificates to be issued.

Fees of inspectors.

§ 2207. s 6. It shall be unlawful for any person other than the owner or his agent or employee or other person duly authorized to skin or remove from the carcass, the skin, hide or pelt of any neat cattle or sheep found dead.

Skinning of dead animals unlawful, when.

§ 2208. s 7. The county court of any county in the Territory, when deemed necessary for the public welfare, may appoint one or more detectives to discover and detect violations of the stock laws within said county; such detectives shall be paid such compensation as shall be directed by the county court from the county treasury. The county courts of the several counties may offer and pay rewards for the detection of persons violating this act.

Detectives may be appointed.

§ 2209. s 8. Any person who shall steal, embezzle, or knowingly kill, sell, drive away, lead away, ride away, or in any manner deprive another of the immediate possession of any neat cattle, horse, goat, sheep, mule, ass or swine; or who shall steal, embezzle, or knowingly kill, sell, drive away, lead away, ride away, or in any manner apply to his own use any neat cattle, horse, goat, sheep, mule, ass or swine, the owner of which is unknown; or who shall knowingly purchase or receive of any person not having the lawful right to sell or dispose of the same, any neat cattle, horse, goat, sheep, mule, ass or swine, shall be deemed guilty of a felony, and shall be punished by imprisonment not exceeding ten years, and fined not exceeding five thousand dollars, at the discretion of the court.

Penalty for stealing cattle, etc.

For receiving or purchasing stolen cattle, etc.

§ 2210. s 9. Any person who shall knowingly brand or misbrand, mark or mismark, any neat cattle, horse, sheep,

Penalty for branding or misbranding cattle, etc., be-
longing to another.

March 11, 1886.

goat, ass or mule not his own, or who shall intentionally brand over a previous brand, or in any manner deface or obliterate a previous brand, or shall cut out or obliterate a previous mark on any neat cattle, horse, sheep, goat, ass or mule not his own, shall be deemed guilty of a felony, and, on conviction, shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding five years, or both, in the discretion of the court.

Cattle drover defined.

§ 2211. s 10. Any person who shall drive or bring neat cattle, sheep or horses to or through this Territory, shall be deemed a cattle drover; and who shall fail or neglect to carefully examine his herd of neat cattle, after driving them over any portion of this Territory, and separate and drive away from his herd all neat cattle not branded with his brand, shall be deemed guilty of a misdemeanor.

Penalty for driving cattle not branded with his brand.

Proof of brands and marks, *prima facie* evidence, etc.

§ 2212. s 11. In any trial under the provisions of this act, the proof of the brand and marks shall be deemed sufficient to identify all classes of live stock mentioned in this act, and shall be *prima facie* evidence of ownership of such stock.

Unlawful to ship cattle in night time, and without certificate from inspector

§ 2213. s 12. It shall be unlawful for any person to ship in the night time any cattle, horses, or sheep, over any railway within this Territory, without first obtaining a certificate signed by the inspector of the precinct, stating the number, kind, and description of animals so shipped, and the name of the person shipping, which certificate shall be left at the office where said animals are shipped, for reference by any person interested; and said certificate shall be preserved at such office for at least one year.

Certificate to be preserved.

Penalty for violating provisions of act.

§ 2214. s 13. Any person who shall wilfully do any act prohibited by this act, or who shall wilfully neglect or refuse to do any act herein required for which punishment is not in this act prescribed, shall be guilty of a misdemeanor.

ESTRAYS.

SECTION.	SECTION.
2215-2216 Appointment of pound keepers; qualification: duties.	2223 Must keep a record.
2217 Trespassing animals, damages, when recoverable.	2224 Must execute a bill of sale; form; effect; proceeds, how applied.
2218 Fencing farms, county or precinct may declare.	2225 Live stock fund.
2219 Animals doing damage may be distrained; damages how appraised.	2226 Fees of pound keeper.
2220 Notice of impounding and of sale; how sold.	2227 Penalty for not delivering animals to pound keeper.
2221 Estrays defined.	2228 Penalty for interference or rescue
2222 Pound keepers' other duties; estrays, how sold.	2229-2230 Action against pound keepers, judgment in.
	2231 Appraisal in case of action.
	2232 Incorporated cities and towns excepted; power to regulate.

§ 2215. s 1. Each county court shall, where not already done, appoint a pound keeper for each precinct in the county, whose term of office shall be for a term of two years and until his successor is duly appointed and qualified; said pound keeper shall qualify by filing bonds and taking and subscribing an oath of office; the amount of bonds shall be determined by the county court, approved by the probate judge and filed with the county clerk.

Appointment
of pound
keepers.
March 11, 1886.

§ 2216. s 2. Each pound keeper shall receive and take good care of all animals properly committed to his charge, and use due diligence to find the owner, or owners thereof, by record of marks and brands, and otherwise, and shall receive and file all bills of damages duly presented, and enter the amount in a proper book provided for the purpose by the county court.

Qualification.

Duties of.

§ 2217. s 3. If any neat cattle, horses, mules, sheep, goats or hogs, shall,

Damages
caused by tres-
passing ani-
mals may be
recovered,
when.

1. Break through a lawful fence, or do damage within the enclosure, or premises of any person in any county or portion thereof, where the inhabitants have declared, or may hereafter declare, in favor of fencing their farms.

March 8, 1888.

2. Break through a lawful fence within an incorporated city or town, or any lawful fence enclosing any city lot, orchard or stackyard and do damage therein.

3. In all other cases where said animals do damage upon the premises of any person, whether said premises are pro-

County or precinct may by election declare in favor of fencing farms.

protected by a fence or not, the person aggrieved thereby may recover damages either by an action against the owner of the trespassing animals, or by impounding them in the precinct pound. (1)

§ 2218. s 4. Any county, or precinct thereof, may at a general or special election, called for that purpose by the county court, by a vote of two-thirds' majority of its legal voters voting at such election, declare in favor of fencing their farms and allowing their animals to run at large. In such cases subdivision 3 of section 3 of this act shall be inoperative.

March 8, 1888.

Animals doing damages may be distrained.

§ 2219. s 5. The owner or occupant of any property may distrain all animals doing damage upon such property, and may keep such animals in some secure place, or may deliver said animal or animals to the precinct pound keeper until his damages are appraised, and in order to be entitled to recover damages shall, within twenty-four hours after it is known to him that the trespass is committed, get some disinterested male citizen, a free-holder, over twenty one years of age, to appraise the damages, and give a statement thereof in writing, setting forth the amount, time and place of the damage, the name of the person damaged, and if known, the name of the owner of the animals, with a description of the animals; thereupon the person aggrieved shall notify the owner of said animals, if the owner shall be known to him and resides within six miles from the place of trespass, which notice he shall deliver or cause to be delivered to the owner or left at his place of residence; he shall be allowed fifteen cents per mile one way only for serving said notice. If one owner cannot be found, or if found, shall refuse to pay all costs and damages, then said statement at the expiration of forty-eight hours, together with said animals, if not already in the charge of the pound keeper, shall be placed in the charge of the pound keeper of the precinct in which the trespass was committed; *Provided*, That if the owner of said animals deems the appraisal too high, he may choose another appraiser, having the qualifications herein provided, who, with the first, shall make a new appraisal, or, when they cannot agree, they may choose a third, and they shall proceed and make another appraisal, which shall be final, said

Appraisal of damages.

appraisers shall be allowed a reasonable compensation for their services, which compensation, together with the costs, shall be paid by the owner of the animals. (1)

§ 2220. s 6. Whenever animals are impounded the pound keeper shall, within twenty-four hours thereafter, give due notice in writing to the owner, if he be known, containing a description of the animals, and a statement of the time and cause of impounding, together with the amount of the damages and costs, and in case the owner shall not be known, he shall forthwith advertise for sale by posting up notices in three conspicuous places within his precinct, and by advertising in some newspaper having general circulation in the county. Said notices shall give a description of the animals, including all marks and brands, and shall state the time and place of sale, and that if not claimed and taken away within fifteen days from the date thereof, he will sell the same to the highest cash bidder. If the owner of said animals within two days from the date of said notice sent him, fails to pay the damages and costs, the pound keepers shall immediately advertise such animals as hereinbefore provided in this section. If the owner of such animals impounded as aforesaid, shall not, within said fifteen days after advertising, pay the damage as appraised, and all costs accruing on said animals, the pound keeper shall sell the same as provided in this section.

Notice to owner, when cattle are impounded.

March 11, 1886.

Notice of sale owner, when March 11, 1886
March 8, 1888.

How sold.

§ 2221. s 7. All horses, mules, and neat cattle, regardless of age, except sucking calves, found running at large, and upon which there is no brand, shall be deemed estrays, and all horses, mules, and neat cattle, branded, the owner of which, after reasonable search, cannot be found, and which have been running at large on any range within this Territory, for two years or more, or any hogs found running at large, upon the premises of another person, not the owner, are hereby declared to be estrays.

Estrays defined.

§ 2222. s 8. The pound keeper of each precinct within this Territory, shall use due diligence to obtain and take into his possession all estrays running within his precinct and at the end of fifteen days thereafter, he shall, after having given due notice of the time and place of sale and the number and kind of animals to be sold, sell the same to the highest cash bidder, singly or in lots, at his discretion. Whenever any

Duties of poundkeeper.

Estrays how sold
March 8, 1888

estrays are received by him, except as heretofore provided in this section, if they are unbranded he shall immediately give fifteen days notice of the time and place of sale of said estrays, together with a full description of the same, by advertising in some newspaper published within the county, if there be one, and by posting up notices in three conspicuous places within his precinct, but if the estrays received as aforesaid are branded he shall proceed as provided in section 6 of this act, when animals of which the owners are unknown are impounded for trespass.

Pound keeper
must keep ac-
curate record.
March 11, 1886.

§ 2223. s 9. He shall keep an accurate record of all animals received by him, their age, color, sex, marks, and brands, whether estrays or impounded for trespass, when and to whom sold, the amount received therefor, and the costs thereupon, which record shall be open to the inspection of the public at all reasonable hours, and quarterly he shall make returns to the county court of his county, showing the number of animals sold, the amounts received therefor, and the costs thereupon, which report must be duly verified before some officer authorized to administer oaths.

Must execute
bill of sale.

§ 2224. s 10. Upon the sale of any animals as hereinbefore provided, the pound keeper shall execute a bill of sale transferring said animals to the purchaser or purchasers thereof, which shall be substantially in the following form, filling in the spaces as may be necessary:

Form of.

Know all men by these presents: That in pursuance of an act entitled "An act providing for impounding animals and prescribing the regulations of pounds and for the disposal of estrays," I have this day sold to _____ for the sum of _____ dollars, he being the highest bidder, _____ head of _____ described as follows, to-wit: _____.

Witness my hand this _____ day of _____ 188 .

Pound keeper of _____ precinct, _____ county,
Utah Territory.

Title trans-
ferred by bill
of sale.

Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus transferred. If any animals thus sold, shall, within the period of six months, immediately ensuing after the day of the execution of the bill of sale, be claimed, identified and proven as the property of any person, it shall be the duty of the county court to forthwith pay the

money received for such animals to their owner, less the Proceeds of sale, how applied. amount of costs and damages assessed against the same; but in the event said animals shall not be claimed, identified and proven within said time, then said money shall become the property of the county, and shall be used by it for the purposes hereinafter provided.

§ 2225. s 11. The proceeds arising from the sales of Proceeds of sale, how applied. said animals shall be paid into the treasury of the county in which said sales are made, to be used by it in the payment of persons employed in detecting violations of the laws of the Territory of Utah. It shall be the duty of the treasurer of each county to keep in a separate fund, to be known as the "Live Stock Fund," all moneys paid to him under the Live stock fund created. provisions of this act, and to pay the amount only upon orders from the county court, duly attested by the county clerk.

§ 2226. s 12. The fees of the pound keepers shall be as Fees of pound keeper. follows: For registering horses, mules cattle and hogs, fifty cents per head, and ten cents per head for sheep and goats; for executing a bill of sale, twenty-five cents; for selling animals at round-ups and drives, ten per centum of the amounts received therefor. Fees for feeding animals shall be governed by the market price of forage and pasturage at the time and place of feeding the same.

§ 2227. s 13. Any person other than a pound keeper Penalty for not delivering animals to pound keeper. taking up animals under the provisions of this act and retaining them more than forty-eight hours shall be deemed guilty of a misdemeanor and shall be liable to a fine not exceeding one hundred dollars for each animal so retained and all damages that may accrue thereon.

§ 2228. s 14. Any person taking his own animals or Interference or rescue. that of any other person out of the custody of the person holding them for damage done by them, or out of any pound by stealth or by force, or shall intercept or hinder any one, while in discharge of his duty, under this act, may be fined in any sum not exceeding one hundred dollars.

§ 2229. s 15. Any person whose animals are impounded When action may be maintained against poundkeeper. may maintain an action against the pound keeper for claim and delivery of personal property. If upon trial it shall appear that the animals were lawfully impounded, the defendant shall have judgment for such sum as shall be found due from the plaintiff, for the damages for which the animals were impounded, together with all the legal fees, costs, charges

When judgment for defendant

and expenses, and the costs of the action, or instead of such judgment the court may enter judgment for a return of the animals to the defendant, and he shall hold, and dispose of them in like manner as if no action had been brought.

When judgment for plaintiff.

§ 2230. s 16. If it shall appear on the default of the defendant, or otherwise, that the animals were taken without sufficient or justifiable cause, the plaintiff shall have judgment for his damages caused by the unjust taking and detaining, and for his costs of suit.

Appraisal of damages when proceeding is had by action.

§ 2231. s 17. If the aggrieved person shall proceed by action against the owner or person in charge of trespassing animals, he shall get two disinterested persons of his precinct to appraise the damages, and to give him a certificate thereof in writing under their hands; which certificate shall accompany the complaint as a part thereof, and under no circumstances shall he recover of the defendant in such action unless such appraisal and certificate shall be made within ten days after the time of such trespass was committed, nor to a greater amount of damages than the amount named in such certificates.

Rights not interfered with.

§ 2232. s 18. Nothing herein shall be construed to interfere with the rights of incorporated cities and towns to regulate impounding of animals and disposing of the same.

FENCING LOTS.

SECTION.

2233 To be fenced; penalty.

March 4, 1884.

§ 2233. s 1. That owners of such lots in a town or village not incorporated, as may be designated "town lots" by the county court of the county in which such town or village may be situated, and owners of such lots within an incorporated city or town, as may be designated "city or town lots" by the city council of such incorporated city or town, and owners of orchards, stack yards and gathered crops are hereby required to enclose them with a lawful fence and keep the same in repair. Non-compliance herewith shall work a forfeiture of the right of such owner to assess damages or

Penalty
Feb. 25, 1882.

impound any stock trespassing or doing damage on such premises; *Provided*, That this act shall in nowise affect existing laws concerning joint inclosures and division fences, nor interfere with the enforcement of any city ordinance prohibiting animals from running at large within such city.

DAMAGES BY ANIMALS.

SECTION.

2234 What constitutes a lawful fence. 2235 Penalty for throwing down fence of another.

SECTION.

2236 Proportion of division fence to be built by each joint owner.

§ 2234. ⁽³⁹⁹⁾ All fence four and a half feet high, in good repair, consisting of rails, poles, boards, stone, or other suitable material, and all fence of any description whatever, which shall, in the judgment of two or more fence viewers be equal thereto, shall be deemed a lawful fence, and all animals breaking over or through such lawful fence, shall be held liable for all damages.

Lawful fence defined.

§ 2235. ⁽⁴⁰⁰⁾ Any person or persons, who shall throw down fence or open bars or gates into any enclosure other than their own or into any field owned by joint occupancy, and leave the same open, shall be deemed guilty of trespass, and on conviction thereof, shall be liable to the owners of trespassing stock for all damages thereby sustained, and may be fined in any sum not exceeding five dollars.

Persons throwing down fence, etc., and leaving same open guilty of trespass.

§ 2236. ⁽⁴⁰¹⁾ When two or more persons shall agree to fence in a joint enclosure, or to build a division fence or fences, each party shall be required to build his portion of lawful fence, according to the amount of land enclosed, and keep the same in repair, and if either party shall neglect or refuse so to do, he shall be liable, to the owners of trespassing stock, for all damage done in consequence of said neglect.

Proportion of division fence to be built by each joint owner.

DISEASED ANIMALS.

SECTION.

2237 Owner importing into Territory diseased animals guilty of misdemeanor.

SECTION.

2238 Owner of permitting such diseased animals to go at large, same.

2239 Penalty in damages.

March 12, 1884.
Importing animals having contagious or infectious diseases.

§ 2237. s 1. It shall not be lawful for the owner of any domestic animal, or any person having the same in charge, knowingly to import or drive into this Territory any animal having any contagious or infectious disease; and any person so offending shall be guilty of a misdemeanor.

Penalty for permitting diseased animals to run at large.

§ 2238. s 2. Any person being the owner of any domestic animal or having the same in charge who shall turn out or suffer any such domestic animal having any contagious or infectious disease, knowing the same to be so diseased, to run at large upon any uninclosed land, common or highway, or shall sell or dispose of any domestic animal, knowing the same to be so diseased, without fully disclosing the fact to the purchaser, shall be guilty of a misdemeanor.

Additional penalty for permitting.

§ 2239. s 3. Any person violating any of the provisions of this act, in addition to the penalties herein provided shall be liable for all damages that may accrue to the party damaged by reason of said diseased animal imparting disease.

PROTECTION OF PERSONS AND ANIMALS.

SECTION

2240 Persons sinking shafts to enclose them.

SECTION.

2241 Coal mines, how to be fenced.
2242 Penalty.

Feb. 20, 1880.
Persons sinking shafts must inclose same with fence.

§ 2240. s 1. That any person who sinks a shaft on the public domain or commons, either prospecting for coal, silver or other minerals, or for ventilating coal, silver or other

mines, shall inclose such shaft with a substantial curb or fence, at least four and one-half feet high.

§ 2241. s 2. The owner, lessee or agent of any coal mine, who, by working such mine, has caused, or may hereafter cause, the surface on the public domain, commons, highway, or other lands, to cave in, forming a pit in which persons or animals are liable to fall, shall cause said cave or sink to be filled up or securely fenced with a good, lawful fence, and if he has heaped, piled, or shall hereafter heap slack-coal on the surface, and such slack-coal shall take fire, endangering the life or safety of any person or animal, he shall cause the fire to be extinguished, or the burning coal to be inclosed with a sufficient fence.

Owners of coal mines must build fences in certain cases.

§ 2242. s 3. Any person failing to comply with the provisions of this act, is guilty of a misdemeanor, and shall be liable for all damages.

Penalty.

BUTCHERING AND MEAT MARKETS.

SECTION.

2243 No person to erect slaughter house, or commence business of butchering, or keeping meat market without license.
2244 Licensed persons to keep books, etc.

SECTION.

2245 License to be paid quarterly into county treasury.
2246 Penalty for violation.
2247 Limitation of the act.

§ 2243. ⁽³⁹¹⁾ That no person shall be allowed to erect a slaughter house or yard, or to commence the business of butchering or keeping a meat market, without first obtaining a license therefor from the county court of the county in which such business is designed to be carried on.

No person to erect slaughter house or commence business of butchering or keeping meat market without license.

§ 2244. ⁽³⁹²⁾ All persons so licensed as butchers shall keep a book in which they shall record a faithful description of the age, size and colors of all cattle by them killed, with the brands and ear marks thereon, together with the name of the person from whom received and the time when killed, which book shall be open to the inspection of the public.

Jan. 11, 1865.
Persons licensed to keep books, etc.

§ 2245. ⁽³⁹³⁾ All persons who receive license from the county court for establishing a butchery or meat market,

License to be paid quarterly into county treasury shall pay quarterly in advance into the county treasury such sum as may be deemed necessary or sufficient by the county court of the proper county.

Penalty for violation § 2246. ⁽³⁹⁴⁾ Any person violating this act shall upon conviction thereof, pay a fine not to exceed one hundred dollars for each offence.

Limitation on this act § 2247. ⁽³⁹⁵⁾ Nothing in this act shall be so construed as to interfere with any incorporated city.

CERTAIN ANIMALS RUNNING AT LARGE.

SECTION.

2248 Penalty for stallions, rams, jacks or ridgils running at large.

2249 How this act avoided.

2250 County court to provide brands for pound keepers. Brand evi-
dence of sale.

SECTION.

2251 Diseased sheep or cattle to be removed by owners.

2252 Animals not to be mingled in driving; penalty.

2253-2255 Prohibition as to Rich county; penalty; impounding; sale; proceeds;.

Stallions, rams, jacks or ridgils running at large. Feb. 20, 1874.

§ 2248. ⁽⁴¹⁶⁾ After the first day of March, A. D. 1874, the owner of any stud horse, jack or ridgil, over eighteen months old, or any ram over three months old, who shall permit the same to run at large within the limits of, or on the summer range of any city, town or settlement in this Territory, shall be liable to pay a fine of not less than one dollar nor more than twenty-five dollars for each offence, which fine may be recovered in any court having jurisdiction, and shall be paid into the county treasury for the benefit of common schools.

Penalty.

How this act may be avoided.

§ 2249. ⁽⁴¹⁷⁾ If two-thirds of the voters of any county or isolated part of a county shall desire, and the county court so decide, then the provisions of the preceding section shall be inoperative in such county, or part of a county, during such time as said court may determine.

County court to provide brands for pound keepers

§ 2250. ⁽⁴¹⁸⁾ It is hereby made the duty of each county court in this Territory, to provide a suitable recorded brand for each district pound keeper in the county, which shall be placed legibly on all animals sold by virtue of this act, or an

act entitled "An act establishing district and precinct pounds and prescribing regulations for conducting the same, and for disposing of estray animals," on such part of the animal as may be designated by the recorder's certificate, and such brand, when so placed, shall be evidence of the legal sale and ownership of said animals. Brand evidence of sale.

§ 2251. ⁽⁴¹⁹⁾ Should any sheep or cattle have any contagious disease, the owners of such sheep or cattle are hereby required immediately to remove them to some place where they cannot endanger the health of other sheep or cattle, or may be compelled to pay for all damages that may accrue. Diseased sheep or cattle to be removed by owner

§ 2252. ⁽⁴²⁰⁾ Any person driving animals, shall use due diligence to prevent driving those not in his care, and if he cannot prevent such animals from mingling with those in his care, he shall leave them at his own expense in the first estray pound, or yard, or enclosure for animals that he can obtain, and notify the owner, if known, and if not, some resident, of the number, kind, and brief description of the animals which have mingled with his, and where he has left them. Any person failing to comply with the provisions of this section, shall be held responsible for all damage, and may be fined in any sum not exceeding twenty-five dollars for such neglect. Animals not to be mingled in driving.

§ 2253. s 1. The running at large of any bull within the limits of Rich county, Utah, between the first day of January and the first day of July in each year, is hereby prohibited. March 10, 1886. When bulls prohibited from running at large in Rich county.

§ 2254. s 2. For each and every bull found running at large in violation of section 1 of this act, a penalty of five dollars is hereby fixed; and for such penalty and the costs incurred in carrying out the provisions of section 3 of this act, there shall be a lien upon such animal. Penalty.

§ 2255. s 3. Any bull found running at large contrary to the provisions of this act may be taken by any person to the nearest precinct pound and delivered to the pound keeper thereof, and said animal shall be held and disposed of by said pound keeper, in the manner provided by law for the holding and disposing of animals found trespassing and doing damage. The proceeds from such disposal shall be applied in the manner provided by law for the disposal of the proceeds derived from sales of estrays. May be impounded, etc. Proceeds, how applied.

REMOVAL OR BURIAL OF DEAD ANIMALS.

SECTION.

2256 At whose expense offensive dead animals may be removed or buried.

SECTION.

2257 Directions with regard to removal.
2258 Penalty.

At whose expense offensive dead animals may be removed or buried.

Feb. 18, 1870.

§ 2256. ⁽⁴²¹⁾ All horses, cattle, mules and sheep, or other animals, which shall have died within the limits of any town, or settlement, or near any main traveled Territorial or county road of this Territory, shall be removed, or buried within two days from the death of said animals by the owner thereof, or the person having it in charge at the time of its death, but if such person cannot be found, then at the expense of the county in which the said town, settlement or roads are situate. If within the incorporated limits of a city, then at the expense of said city.

Directions with regard to removal.
Feb. 20, 1888.

§ 2257. ⁽⁴²²⁾ When any animal is left unburied it shall be taken one-half mile from any town or settlement, and one-quarter of a mile from any main traveled Territorial or county road, and twenty rods from any spring, running stream, or water ditch, and it shall be unlawful for any person removing such dead animal, to deposit the same on the land of another without his consent; and a failure to remove it therefrom upon notice of the owner or possessor of such land, shall constitute a misdemeanor, punishable as in section 3 of this act provided; and by adding to section 3, the following: And the judgment requiring the defendant to pay such fine, or the fine and costs of suit, may also direct that he be imprisoned in the county jail until such fine, or such fine and costs, as the case may be, are paid, in the proportion of one day's imprisonment for every dollar of the fine and costs; and it shall be the duty of all sheriffs, constables and city marshals of this Territory to see that the provisions of this act are carried into effect; *Provided*, That any citizen may bury or remove such animals and collect pay therefor from the owner, if known, or from the county when the owner is not known.

§ 2258. ⁽⁴²³⁾ Any person refusing or neglecting to comply with the requirements of this act shall upon conviction thereof, before any acting justice of the peace, be fined in a sum not exceeding ten dollars, the expense of removing or burying said animal and cost of suit. Penalty.
Feb. 17, 1870.

OPIUM.

SECTION.

2259 House for smoking of prohibited; misdemeanor.
2260 No proprietor to rent for such purpose; misdemeanor.

SECTION.

2261 No clerk, etc., to aid in such use or uses; misdemeanor.

§ 2259. s 1. Any person who shall establish, or keep a house wherein opium is smoked, or chewed, by others than the members of his family, and any person who shall sell, or give to another, not a member of his family, in the house where his family shall live, any opium to be smoked, or chewed, whether in a house kept or used for such purposes, or elsewhere, shall be deemed guilty of a misdemeanor. No person to
establish or
keep a house
for smoking of
opium.
Feb. 12, 1880.

§ 2260. s 2. Where a proprietor, or landlord, shall rent any house, knowing that it is intended to be used for any of the purposes mentioned in section 1 of this act, and it shall be so used, such proprietor, or landlord, shall be deemed guilty of a misdemeanor. No proprietor
shall rent any
house for the
use of opium.

§ 2261. s 3. Any clerk, servant, or employee, in any such house, who may aid in such use of opium, and every person resorting thereto, who shall so use opium by smoking or chewing it, shall be deemed guilty of a misdemeanor. Use of opium
prohibited.

ENTERING RAILROAD CARS.

SECTION.

2262 Misdemeanor to do so with in-
tent to defraud.

SECTION.

2263 Aiding employees also guilty of
same.

Feb. 14, 1888.

§ 2262. s 1. That every person who clandestinely enters into or upon any railroad car, for the purpose and with the intention of riding, or being transported thereon, or who having entered in or upon any railroad car rides over any railroad line, or portion thereof, in this Territory, without the knowledge and consent of the company, person or persons owning or operating such car or railroad, and with the intention to defraud such company, or person, of the fare or compensation for such transportation, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail, not exceeding fifty days, or by fine in any sum less than fifty dollars, or by both fine and imprisonment, at the discretion of the court.

§ 2263. s 2. Every person, being at the time a servant or employee of any railroad company, who aids, abets, assists, counsels, advises or encourages another person to enter into or ride upon any railroad car for the purpose, with the intention, and in a manner specified in the preceding section, shall be guilty of a misdemeanor. (1)

(1) Took effect June 1, 1888.

BEFOULING WATERS.

SECTION.

2264 Pens stables, etc., unlawful construction of near streams; deposit of rubbish; corralling cattle near streams.

SECTION.

2265 Penalty.

§ 2264. s 1. It shall be unlawful for any person, corporation or company within the Territory of Utah,

1. To construct or mantain any cattle or horse yard, sheep-pen, stable, big-pen, chicken-coop or other offensive yard or outhouse, where the waste or drainage therefrom shall flow directly into the waters of any stream, well or spring of water used for domestic purposes.

Unlawful to construct or maintain any pens, stables, etc., near any stream, when. March 11, 1886

2. To deposit, pile, unload or leave any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well or spring of water used for domestic purposes.

Or to deposit rubbish, etc.

3. To yard, camp or corral any loose cattle, horses, mules, sheep or swine where the waste or drainage therefrom will flow directly into any stream, well or spring of water used for domestic purposes.

Or to camp or corral any cattle, etc., near any stream, when

§ 2265. s 2. Any person committing any of the before named offences shall be guilty of a misdemeanor.

TOY PISTOLS.

SECTION.

2266 Selling of a misdemeanor.

§ 2266. Any one selling or giving a toy pistol to any person in this Territory, shall be guilty of a misdemeanor.

Feb. 27, 1884.



INDEX TO VOL. I.

ABSTRACTS—	PAGE
liability of recorder for errors in.....	289
of other persons furnishing for such errors.....	289
county court may grant license to make books for.....	289
ACCOUNT OF DISBURSEMENT of appropriation made by Congress—	
how made and settled.....	60
ADULTERY—	
punishment of.....	115
who may institute prosecution for.....	116
AGRICULTURAL LANDS—	
how mineral lands set apart as agricultural.....	210
AGRICULTURE AND MECHANIC ARTS—	
proceeds of donated lands for.....	92
AGRICULTURAL COLLEGE—	
established.....	663
objects of.....	665
appropriations.....	663
trustees, how to qualify.....	664
their powers and duties.....	664
compensation.....	667
to supervise erection of buildings.....	664
and require bond for performance of contracts.....	664
to keep record of proceedings.....	664
to report to next Legislature.....	664
not to be interested in contracts, etc.....	665
to appoint professors, etc.....	665
their compensation.....	665
professorships to be established.....	665
in management no preference to sect.....	665
nothing sectarian to be taught.....	665
course of instruction.....	665
full course; winter course.....	666
academic year and terms.....	666
qualifications for admission.....	666
faculty, how constituted.....	666
trustees and faculty to prescribe books.....	666
experimental station; purposes of.....	666
trustees to have charge of.....	667
Governor authorized to apply for Congressional appropriation.....	667
contract and bond to administer same faithfully.....	667

ALIENS—	PAGE
such persons or corporations prohibited from acquiring real estate, except in certain cases.....	80
treaty rights not impaired.....	80
corporations having more than 20 per cent. of stock held by, within the prohibition.....	80
property unlawfully held to be forfeited.....	81
suits to enforce forfeiture.....	81
ALIEN LAND ACT.....	80
ALPINE CITY—	
charter.....	444
boundaries; made corporation; seal.....	444
powers of corporation.....	444
council, how constituted.....	444
members of council to qualify.....	445
elections; who entitled to vote.....	445
powers of council.....	445-448
ordinances to be published.....	448
ordinances, how proven.....	448
mayor and aldermen, conservators of the peace.....	448
to have the jurisdiction of justices; their duties.....	449
jurisdiction of justices.....	449
meetings of council.....	449
process, how issued and served.....	449
recorder's duties.....	449
property, how taken for streets.....	449
mayor subject to indictment for violation of duty.....	450
council may provide for punishment by imprisonment.....	450
AMERICAN FORK CITY—	
charter.....	459
boundaries; made a corporation; seal.....	459
powers of corporation.....	459
how council constituted.....	460
members of council to qualify.....	460
elections.....	460
who entitled to vote.....	460
powers of council.....	460-464, 465, 466
ordinances must be published.....	464
ordinances, how proven.....	464
mayor and aldermen to be conservators of the peace.....	464
their jurisdiction, powers and duties.....	464
meetings of council.....	464
process, how directed and served.....	465
recorder's duties.....	465
property, how taken for streets.....	465
mayor subject to indictment for violation of duty.....	465
ANTI-POLYGAMY LAW, 1862.....	108
annuls a certain Territorial act in part.....	109
limitation of amount of real property religious corporations may hold	109
ANIMALS—See ESTRAYS.	
damage by.....	789
diseased.....	790
protection of.....	790
running at large.....	792
removal of dead.....	794

APPEALS—	PAGE
to be allowed as prescribed by law.....	44-57
in what cases prescribed.....	62
when allowed to Supreme Court of United States.....	45, 62, 100
amount necessary.....	100
what questions authorize.....	100
from probate and justice's courts.....	104
appeal under provisions of act relative to Insane Asylum.....	711
APPORTIONMENT OF REPRESENTATION.....	53, 245-249
council and representative districts.....	121
APPRÓPRIATIONS—	
for public buildings and library.....	47
APPROVAL OF LAWS—	
by Governor.....	41-51
ARMS, AMMUNITION, ETC.—	
distribution of to Territories by Secretary of War.....	76-79
ASHLEY—	
county seat of Uintah county.....	266
ATTORNEY OF UNITED STATES—	
under Poland Bill; his duties.....	102
his assistants.....	102
fees for services of assistants.....	103
fees of.....	107
his salary.....	107
act relating to attorneys, etc., disapproved.....	107
AUDITOR OF PUBLIC ACCOUNTS—	
election of.....	328
how to qualify.....	251
duties of.....	251
vacancy, how filled.....	251
to report to Legislative Assembly.....	252
to report to treasurer.....	252
to procure Territorial seal.....	253
seal of.....	253
how appropriations to be drawn.....	253
BEARS—	
bounty for killing.....	749
BEAVER COUNTY—	
Beaver, county seat.....	261
BEAVER CITY—county seat of Beaver county.....	261
boundaries; made a corporation; seal.....	507
powers of corporation.....	508
council, how constituted.....	508
two justices to be elected.....	508
mayor and councilors to qualify.....	508
elections.....	508, 509
persons elected to qualify.....	508
powers of council.....	509-511
ordinances to be published.....	510
ordinances, how proven.....	510
justices, their powers and duties.....	510
mayor, powers and duties.....	510
act, when to take effect.....	510

BEE KEEPERS—	PAGE
duty to destroy foul brood.....	778
penalty for failure to do so.....	778
BEFOULING WATERS—	
different modes of forbidden	797
a misdemeanor.....	797
BILLS OF EXCEPTIONS—	
as means of review, when.....	57
BOARD OF EQUALIZATION	735
BOARD OF EXAMINERS—	
members	683
their powers and duties.....	683
BOUNDARIES OF TERRITORY.....	62
original.....	41
BOUNDARIES OF LAND—	
questions of not within jurisdiction of justices.....	57
BOUNTIES for destruction of noxious animals	749, 750
BOX ELDER COUNTY	264
Brigham city, county seat	265
BRANDING AND HERDING CATTLE.....	779
BRIDGES—	
fast driving on prohibited	743
BRIGHAM CITY—	
charter	401
boundaries; made a body corporate; seal	401
power of corporation.....	401
how council constituted.....	402
two justices to be elected.....	402
mayor and councilors to qualify.....	402
elections	402
persons elected, to be notified and to qualify	402
powers of council.....	402-404
ordinances to be published	403
ordinances, how proven.....	404
justices of the peace; their jurisdiction and duties.....	404
when act to take effect.....	405
BUTCHERING AND MEAT MARKETS—	
regulations of	791
license	791, 792
penalty for violating act.....	792
limitation of act	792
CACHE COUNTY.....	265
Logan city, county seat	265
CANAL—	
crossing highways	743
CAPITOL GROUNDS—	
board of commissioners	670
how to qualify.....	670
compensation.....	671
Governor chairman.....	670
vacancies.....	671
secretary; his duty.....	670
duty to improve grounds	670
quorum; powers	671
report of proceedings	671
reservoir to be constructed	670
test of Utah stone.....	671
plans for capitol buildings.....	671
appropriation.....	671
CASTLE DALE—	
county seat of Emery county.	267
CATTLE—	
branding and herding.....	780

CATTLE—	PAGE
regulation for driving to avoid mixing	779
sale or purchasing of	780
record to be kept	780, 781
penalty for driving upon land of settlers	779
from range, stock without consent of owner	779
pound keepers inspectors of cattle	780
skinning dead animals when unlawful	781
penalty for stealing	781
purchasing stolen cattle	781
penalty for misbranding, etc.	782
cattle drover defined	782
penalty for driving cattle not branded	782
proof of identity and ownership by brands and marks	782
when unlawful to ship	782
penalty for violating provisions of act	782
CATTLE DROVER—	
defined	782
CEDAR CITY	515
boundaries; made a corporation; seal	515
powers of corporation	515
council, how constituted	516
two justices to be elected	516
mayor and councilors to qualify	516
elections	516
persons elected to be notified and qualify	516
powers of council	517, 518
ordinances must be published	518
how proven	518
powers, duties and jurisdiction of justices	518
mayor, powers and duties	518
when act takes effect	519
CENSUS—	
of inhabitants and qualified voters to be taken before first election...	53
of school children to be taken	681
CHANGE OF NAME—	
Legislature forbidden to change, of persons and places	93
CHANGE OF VENUE—	
special laws for forbidden	94
CHARTERS—	
no special law allowed amending, to grant a right to lay	
railroad tracks	94
private, not to be granted	95
special law to incorporate or to change charters forbidden	94
CITIES, general act for incorporation of	609
incorporated, power to tax	334
power of council	334, 336
action and procedure to incorporate	609, 610
petition; election; effect of favorable vote; notice.	610, 611
who entitled to vote	611
when incorporation complete	611
act, when to take effect	652
parts apply to existing corporations	652
wholly governs existing cities when reorganized under	612
what powers it confers on corporations	613
advancement in class by growth	614
appeals from judgment of justices	641
arrest, power and duty of	642, 643
assessment roll, form of to be regulated by ordinance	639
when to be returned	640
council, as board of equalization, to correct	640
when and how furnished to collector	640
books, etc., to be delivered to successor	635
census commission	613
city attorney, his duties	637

	PAGE
city surveyor, duties of.....	641
classification of cities.....	613
Governor to announce class of.....	613
advancement in class by growth.....	614
collector of taxes to be furnished assessment roll.....	640
his duties.....	639, 640
constable may serve process or make arrest.....	632
corporate limits, how extended.....	647
how restricted.....	649
councilmen, term of office; qualifications.....	614-617
how elected.....	614
vacancies, how filled.....	617
when not to hold other office.....	635
compensation of.....	635
how not to be changed.....	635
council, how constituted in cities of different classes.....	614
judge of election and qualification of members.....	617
to determine rules of proceeding.....	617
quorum; meetings; vote by yea or nay, when.....	618
to sit with open doors.....	618
majority, of members elected.....	618
reconsideration of votes.....	618
consideration of reports, when deferred.....	618
board of equalization; powers.....	640
may administer oaths.....	640
may determine mode of exercising powers.....	651
may define duties of officers.....	651
general power to pass ordinances.....	651
to appoint certain officers.....	634
their terms of office and official bonds.....	634
to prescribe form of assessment roll.....	639
powers of extend to—	
animals running at large.....	629
annoying persons passing streets.....	629
apparatuses.....	627
appropriations of money, purposes.....	620
areas.....626; ashes.....623; assignation, houses of.....	625
assault and battery.....626; assessors.....625; awnings,....	623
bagatelle tables.....625; ball alleys.....626; banks.....	624
barber shops.....624; bath houses, 624; bawdy houses, 625; beggars	627
benches.....627; billiard tables.....625; bills of mortality.....	628
blacksmith shops.....629; blinds.....627; blowing horns, etc..	638
board of health.....628; boarding houses.....624; boilers.....	627
bonds, issuing of, purposes.....622; bonfires.....628; benefactions.	629
borrowing money, 621; brewers, 624; bridges, 624; buckets	627
buildings, erection of.....621, 627; burial of dead.....	628
butcher shops, 629; bath.....	626
cabmen.....625; canals.....622; canneries.....629; cards.....	625
chimneys.....627; carters.....625; catch basins.....624; cesspool..	624
cemetery grounds.....628; census.....	629
cheese.....626; chop houses.....624; clamor.....627; cisterns....	626
city jails.....628; cleansing places, etc.....629; cock fights....	626
common prostitutes.....627; compensation of office.....	631
concealed weapons.....626; confectioners.....	625
construction of new buildings.....	627
constructing sewers under railway grounds.....	630
council put to labor, 623; creating offices, 631; crosswalks	623
cruelty to animals, 628; crushers, 624; culverts, 624; curbs	623
curtains.....627; crying goods, etc.....	630
dice, 625; dirt, 623; disorderly assemblies, 626; disorderly houses	625
disorderly conduct.....626, 627; distillers.....	624, 629
discharge of fire arms, 626; disturbances, 626; ditches	624
dogs, 629; dog fights, 626; drains, 624; drivers, 625; druggists	625
eating houses.....education of destitute children.....	630
electric lights.....622, 624; eminent domain.....	631
employment offices, 624; exhibitions, 624; express companies	624

council, powers of, continued,	PAGE
expressmen, 625; extending streets.....	630
fastening animals, 630; fighting, 626, 627; filling vacancies	631
finances....621; fire apparatus....629; fire department....627, 629	
fire arms, 626; fire engines, 627; fire places, 627; fire escapes	627
fire crackers, etc., 628; fireworks, 626; fire limits, 627, 629; fish	626
flags, 623; flagmen, 624; flour, 626; flying kites, 629; forestalling	630
foundries.....629; free public libraries, etc.....	630
frightening horses, 629; fruit peddlers, 625; furnaces.....	627
games of chance.....625; gamblers.....	627
gaming and gambling houses, 625, 626; gas, 621; gas meter	623
gas works, 624; giving away liquors, 625, 626; grade of railroads	624
guardian, 625; gutters.....	623, 626
habitual disturbers, 627; habitual drunkards, 626; hackmen	625
hawking, 625; health regulations, 628; heaters, 627; hooks	627
hook and ladder companies.....627; horses, speed of.....	623
horse troughs....623; hotels....624; houses of ill-fame....	625
houses of correction, 628; hospital grounds, 628; hydrants....	626
idiot....626; immoral publications....625; insane persons....	626
indecent conduct.....627; inspection of boilers.....	626
inspection of whiskey, etc....630; inspection of meats, etc....	626
inspection of lumber, 626; intoxication, 626; irrigation.....	622
junk stores.....	625
ladders.....627; lard.....626; lawful assemblies....	629
licenses, 621, 624-5, 629-30; license fees, 631; lewdness, 625, 627	
liquors....627; livery stables....624, 629; locomotives....	624
lodging houses,....624; lotteries,....625; lumber yards....	629
man-holes, 624; manufacturing liquors, 625; manufactories	627
market houses, 626; meats, 626; mendicants, 626; merchants	625
minors.....625, 626; music halls.....	624
naming and changing names of streets....624; noise....626, 627	
nuisances.....628; numbering houses and lots.....	623
obscene language....627; obscene publications....625; offal	624
offensive business, 629; official bonds, 631; official reports	631
omnibus drivers....625; opera houses....624; opium....	626
ordinaries, 624; ordinances, 631; ovens.....	627
packing houses....629; parents....625; pawnbrokerage....	624
peddlers.....625; petit larcenies.....626; physicians.....	628
pigeon-hole lottery....625; pickpockets....627; pictures....	626
pin alleys.....625; placards,....623; playing ball,....	629
poles, telegraph, etc., 623; parties, 625; poultry, 626; powder	626
police and watchmen....631; pound and pound keepers....	629
prints....625; processions....630; profane language....	627
prostitution, 625; public demonstrations, 630; public scales	624
pumps.....	626
quarreling.....	626
racks, 623; railways, 622, 624; registration of births and deaths	628
renderings, 629; restaurants, 624; reservoirs, 622; retailers	625
revenue by license, 631; riots, 626; rockets, 626, rolling hoops	629
rouls.....626; runners.....	624
scenery, 627; screens, 627; seats, 627; second-hand stores	625
selling fresh meats, etc., 630; sextons, 628; sewers, 621, 624, 626	
shopkeepers, 625; shade trees, 621; sidewalks, 623. skating rinks	626
slaughter houses....629; smelters....624; smoking opium...	626
snow....624; soap factories....629; springs, streams, etc....	622
storekeepers.....625; stores....627; stove pipes.....	627
storage of gunpowder ...628; street tax....630; swindles....	627
streets and public grounds.....	621
use of; obstructions.....	621, 623
lighting and sprinkling.....	621, 623
shade trees in.....	621
telegraph poles in.....	623
naming.....	624
laying railroads in.....	624
sales on; speed on.....	623
disorderly assemblies in.....	626
riots, etc., in.....	626

	PAGE
council, powers of, continued,	
street tax.....	630
tables.....625; tanneries.....629; taxes.....621, 622,	639
tax on corporations.....631; tax on business.....631; taverns...	624
telegraphic fire signals, 629; thieves, 627; ticket scalpers	624
traffic in liquors.....625; traffic in streets.....623; tramps....	627
tramways.....624; tunnels.....	624
use of lights in stables.....	628
vacancies, filling of, 631; vagrants, 626; vaults, 626; vegetables	626
viaducts.....	624
water courses.....622; water works.....622; water supply....	622
workhouse.....628; weights and measures.....	626
deeds on tax sales, effect of.....	639
disincorporate, how.....	650, 651
districts for different purposes.....	644
equalization, council board of; powers of.....	640
elective officers.....	633
how elected.....	633
terms of office.....	633
to qualify and how.....	624
official bond, where to be filed.....	634
elections, time of.....	646
how conducted.....	646
who entitled to vote....	646
when persons elected to enter on duties.....	646
existing cities subject to certain limitations.....	652
and towns may organize under this act.....	611
procedure; when accomplished.....	661
returns of votes filed; notice.....	612
courts to take notice of change.....	612
thenceforth subject to this act.....	612
application of existing laws.....	612
succession to rights of old corporations.....	613
existing ordinances.....	613
fiscal year.....	643
finer, how recovered.....	632
to be paid into treasury.....632,	652
imprisonment till paid.....	632
credit per day of convict labor on.....	632
justices of the peace, judicial power vested in.....	641
jurisdiction of.....	641
rules of practice before.....	641
appeals from.....	641
may hold court anywhere in the city.....	641
how warrants to be directed.....	642
jurisdiction of justices.....	641
lien, of taxes on assessed property.....	639
how enforced; redemption; deed.....	639
special assessments.....	645
local assessments.....644, 645	
for what purposes.....644, 645	
previous notice of.....	645
a lien, how enforced.....	645
mayor to be elected.....	633
when not to hold other office.....	635
compensation of.....	635
chief executive officer.....	615
vacancy in the office, how filled.....	615
mayor <i>pro tem</i>	615
removal from city vacates office.....	615
to preside in council.....	615
vote in case of tie.....	615
his power to remove from office.....	615
to report reason such removal.....	615
ordinances to be signed by.....	618
he may appoint to revise ordinances.....	616
his powers and duties.....	616

	PAGE
council, powers of, continued,	
to file map when corporate limits changed.....	648-649
marshal, duties of.....	642
<i>ex-officio</i> chief of police.....	642
power to appoint special policemen.....	642
office, qualifications for.....	635
officers, where bond to be filed.....	634
delivery of books to successor.....	635
not to be interested in work, etc.....	635
not to purchase for taxes.....	635
compensation of.....	635
when to enter upon duties.....	646
misconducting liable to indictment.....	616
ordinances to be signed by mayor.....	618
must be published.....	618
how proven.....	618
power to pass.....	631
actions on; procedure.....	632
pleading on.....	632
may provide for working convicts.....	632
appointment to revise.....	616
existing after re-organizing under this act.....	613
to regulate form of assessment rolls.....	639
also local assessment rolls.....	644
to define duties and powers of collectors.....	639
to provide for levy and collecting taxes.....	639
conforming to Territorial law.....	639
to provide system of street work.....	644
assessments on basis of benefits.....	644
to define mode of exercising powers.....	651
and duties of officers.....	651
general power to pass.....	652
paving districts.....	644
penalties to be paid into city treasury.....	652
police officers; powers of.....	642, 643
recorder when not to hold other office.....	635
where to keep his office.....	636
his duties.....	636
redemption from tax sales.....	639
sewerage districts.....	644
sheriff may serve process or make arrest.....	632
successor, delivery of books, etc., to.....	634
taxes, assessment rolls, form of to be regulated by ordinance.....	639
council to provide for levy and collection of.....	639
to model proceedings after general law.....	639
lien on property assessed.....	639
how enforced.....	639
property subject to redemption as by territorial laws.....	639
deeds to be made, effect of.....	639
equalization.....	640
when to be levied.....	643
power in council to levy.....	643
limitation.....	643, 644
treasurer when not to hold other office.....	635
his duties.....	637
warrants, how directed.....	642
 CLERK OF COUNTY COURT—	
to be biennially elected.....	275
term of office.....	275
how to qualify.....	275
to keep his office at the county seat.....	275
his duties and powers.....	275, 276, 296
may appoint a deputy.....	276
his salary.....	276
fees as such clerk, and probate clerk.....	277
to deliver registry lists to assessor for revision.....	320
other duties relative to registration.....	320

CLERK OF DISTRICT COURT—	PAGE
each judge of supreme court to appoint for his district.	57
to retain but one and only one entitled to compensation from the United States.....	57
shall be register in chancery.....	58
shall reside and keep his office where the court is held	58
CLERK OF SUPREME COURT—	
how appointed, and tenure of office.....	45, 57
his fees in federal cases ..	45, 59
COALVILLE CITY	580
boundaries, made a corporation; seal	580
power of corporation	581
council, how constituted	581
members to qualify.....	581
their powers.....	582, 584
elections.....	581, 582
persons elected to be notified; to qualify.....	581
ordinances to be published	582
how proven.....	583
justices; their powers and duties.....	583
mayor, his powers and duties	583
when act takes effect.....	584
county seat of Summit county	265
COMMANDER-in-chief of militia, Governor is.....	41, 51
COMMISSIONS, Governor to issue to officers.....	41, 51
COMMISSIONERS OF DEEDS—	
may be appointed in States and other Territories	315
to administer oaths and take acknowledgments.....	315
to send official oath, his signature and impression of his seal to secretary of territory.....	315
their signature and seal as evidence	316
their fees	316
commissioners in Utah appointed under authority of a State or other Territory.....	316
power to take depositions, issue subpoenas, etc.....	316
COMMISSIONER OF SCHOOLS.	123
his duties and powers	124
COMMISSIONERS OF SUPREME COURT—	
appointment of, their duties and powers.....	107, 116
COMMON LAW AND CHANCERY JURISDICTION—	
need not be exercised separately.....	99
COMMON SCHOOLS—	
special laws for managment of forbidden.....	94
CONSTABLE—	
each precinct to elect one	290
how to qualify	290
term of office	291
duty to serve process.....	291
CONSTITUTION AND LAWS OF UNITED STATES—	
extended over Territory	48
CONTAGIOUS DISEASE—	
penalty for wilfully introducing	773
CONVICTS—	
in Territorial jails or penitentiaries subject to what discipline or treatment.....	70
under whose control	70
hiring out forbidden, penalty	97
legislature may provide for their care and custody in other Territory or State.....	97
expense of keeping, how to be paid.....	98
deductions from sentence for good conduct.....	08
to be furnished with clothes and money on discharge	98
in jail, county court to provide for working.....	304

CORPORATIONS—	PAGE
maximum of land which may be held by certain corporations	80
Congressional grants excepted, and present titles not affected	81
property unlawfully held to be forfeited	81
suits to enforce such forfeiture	81
CORINNE CITY—	
charter	405
boundaries; made a body corporate; seal	405
powers of corporation	405
council, how constituted	406
two justices to be elected	406
mayor and councilors to qualify	406
elections	406
persons elected to be notified and qualify	407
subsequent elections	407
powers of council	407, 409
ordinances to be published	408
ordinances, how proven	408
justices of the peace, their jurisdiction and duties	408
mayor, his powers and duties	408
when the act takes effect	409
certain powers of common council of	334, 336
CORONERS—	
to be elected in each county biennially	289
terms of office	290
how to qualify	290
when to perform duties of sheriff	290
shall not appear as attorney	290
shall not purchase at sales made by them	290
power to hold inquests	774, 777
CONGRESS—	
power of to annul Territorial legislation not abridged	96
CORPORATIONS—	
limit of value of land which religious, etc., corporations may hold	61
consequence of exceeding limit	61
COSTS AND EXPENSES—	
of criminal prosecutions, how to be paid	103
COUNCIL, LEGISLATIVE HOW CONSTITUTED	42
where members to reside, term of office	42, 52
their qualification	52
COUNTIES—	
bodies corporate	293
how its powers to be exercised	293
enumeration of powers	293
restriction on their powers	293
certain contracts void	294
penalty for allowing certain claims	294
seal of, county court to provide	302
limit of contracting debt	95
disputes about boundaries, how settled	270, 271
uncertainty as to where act done, how considered	266
COUNTY AND TOWNSHIP OFFICERS--	
legislature forbidden to pass special laws to regulate	94
COUNTY CLERK--	
to keep a book for proceedings of county court relative to highways ..	740
duties of under act authorizing bounties for killing obnoxious ani-	
mals, etc	649, 750
COUNTY COURT—	
clerk of	275
duties of clerk of	275, 276
county treasurer to report to	278
to approve official bonds	265, 278, 285
to furnish record books to county surveyor	282
and to recorder	288
may cause old records in recorder's office to be transcribed	288
may give license to make abstracts from records in recorder's office ..	289

COUNTY COURT—

	PAGE
conditons for such license.....	289
liability of persons furnishing abstracts.....	289
to appoint justices to fill vacancies.....	291
to exercise powers granted to counties.....	293
to furnish envelopes for ballots.....	322
to fill certain vacancies.....	327
may issue liquor licenses.....	768
may appoint inspectors of bees.....	777
to appropriate for expenses.....	778
cattle detectives.....	781
pound keepers.....	783
to be applied to for license for butchering.....	791
power to make road districts, etc.....	739, 744
to make regulations.....	739
to condemn land for highways.....	739
to appoint fish and game commissioners.....	748
power of under noxious animal bounty act.....	749, 750
penalty on probate judges, etc., for violating the law relative to audit of claims.....	294
to appoint board of examiners of teachers.....	683
to fill vacancies in office of assessor or collector.....	723
to furnish books to assessor.....	724
to hear complaints of assessment.....	725
to fix compensation of assessor and collector.....	725
to determine rate of county tax.....	725
a board of equalization.....	725
how constituted.....	295
qualifications of members.....	295
vacancies, how filled.....	295
probate judge to preside.....	274, 295
who temporarily to preside in absence of probate judge.....	295
any member may administer oaths; when.....	296
duties of the clerk.....	296
duties of the county court.....	297
regular and other meetings.....	297
special meetings.....	298
all meetings must be public.....	298
general power of.....	298
enumeration of powers.....	298, 304
to direct prosecutions for delinquencies.....	298
to supervise official conduct of county officers.....	298
to divide county into school districts, etc.....	299
to lay out, etc., roads, etc.....	299
to provide indigent, etc.....	299
to provide farm, poor house, etc.....	299
to provide county offices.....	300
to purchase necessary real estate.....	300
to erect and furnish court house, jail and hospital.....	300
to sell certain property.....	300
to examine and audit accounts.....	300, 301
to levy taxes.....	301
to maintain public pounds.....	301
to equalize assessments.....	301
to direct litigation of county.....	301
to insure buildings.....	301
to fix price of advertising for county.....	302
to adopt a seal.....	302
to enforce rules in proceedings.....	302
to publish annual report.....	302
to provide for destruction of noxious animals, weeds and insects.....	302
to establish funds.....	302
to fill certain vacancies.....	303
to provide for preservation of health.....	303
to provide against bringing to counties paupers, insane persons, etc.....	303
to provide for working prisoners in jail.....	304
may require attendance of sheriff.....	304

COUNTY COURT—

	PAGE
may issue subpoenas for witnesses; how served.....	304, 305
penalty for neglecting to obey subpoena.....	305, 306
chairman of committee, powers of.....	305
witnesses before not entitled to fees.....	306
what county courts forbidden to do.....	306
claims against county to be itemized.....	307
when not allowed because not itemized, claimant to be notified.....	307
accounts to be filed.....	307
what claims rejected.....	307
when claims may be allowed in part.....	307
action on rejected claims.....	307, 308
warrants of on treasury, to specify fund.....	308
no member to be interested in certain transactions.....	308
public notices given by posting.....	308
shade trees, to encourage planting of.....	308, 309
claims of members to be itemized and verified.....	309
statement to be annually made.....	309
to receive donations of property.....	309
how selectmen to qualify.....	309
to audit all county charges.....	310
compensation of members.....	310
powers of cities and towns not impaired.....	310
may enter lands for seats of justice.....	310

COUNTY JAILS—

sheriff to take charge of.....	280
how to be used.....	280
what prisoners shall be confined separately.....	280
service of papers on prisoners.....	280
guard, when and how to be appointed and for what purposes.....	280

COUNTY OFFICERS—

how to be selected.....	43
under supervision of county court.....	298

COUNTY SEATS—

Legislature forbidden to pass special acts for locating or changing....	94
existing recognized.....	294
removal of, proceedings for.....	311, 313

COUNTY SURVEYOR—

to be biennially elected.....	282
when and how to qualify.....	282
their duties.....	282
record to be furnished by county court.....	282
such records, property of the courts..	282
their duty to make surveys.....	283
how courses to be expressed.....	283
when to furnish chainmen, their hire.....	283
how survey to be made when they are interested.....	283
how corners to be established.....	283
other duties may be imposed by law.....	283
may appoint deputies.....	283
effect of their survey and when certified.....	283

COUNTY TREASURER—

to procure canceling stamp.....	733
to be biennially elected.....	278
when and how to qualify.....	278
his duties.....	278
his salary and how drawn.....	279
to approve official bond of probate judge.....	273
compensation under revenue laws.....	730

COYOTES—

bounty for killing.....	749
-------------------------	-----

COURT HOUSE—

county court to provide and furnish.....	301
--	-----

CRIMES AND MISDEMEANORS—

special laws for punishment of, forbidden.....	94
--	----

CRIMINAL PROSECUTIONS—	PAGE
costs and expenses to be paid out of Territorial treasury.....	103
court and not jury to pronounce punishment.....	106
CRIMINAL TRIALS—	
defendant may be witness	96
failure to be, creates no adverse presumption	96
DAMAGES—	
done by estrays, proceedings to collect by impounding.....	783, 788, 789
DAVIS COUNTY	264
Farmington, county seat.....	264
DEAF AND DUMB INSTITUTE	662
DELEGATE—	
how elected; his rights and privileges	47, 56, 66
his pay	47
election of.....	328
special election for, to fill vacancy	328
how conducted	328
qualifications of.....	328
DESCENT—	
law of, not to be changed by special law.....	94
DESERT LANDS	168
may be purchased.....	168
declaration	168
right to use water.....	168
water on public lands to be free	168
within what time applicant to prove up.....	168
limitation upon quantity.....	168
definition of desert land	169
where law applicable.....	169
DESERET AGRICULTURAL AND MANUFACTURING COMPANY.....	753
made a body corporate	753
may make by-laws	753
to hold annual exhibitions	754
to offer premiums	754
quorum of directors.....	754
appropriation to.....	754
condition of membership	754
fund for importing improved breeds.....	756
report to be made	755
acceptance of Congressional grant	755
bureau of statistics.....	755
tables and forms of statistics.....	755, 762
agricultural fair ground.....	762, 763
DISABILITY—	
special laws for sale or mortgage on real estate of persons under, forbidden	94
DISTRICT COURTS—	
expense of holding in counties to be paid by Territory or counties.....	58
time and places of holding, how fixed	63
jurisdiction of	103
to be held by one of the justices of the supreme court.....	44
jurisdiction of.....	44, 62
first six days of term to be given to Federal case.....	45, 63
DISTRICT JUDGES—	
may have assistance from judge of another district.....	105
DISTRICT OFFICERS—	
how to be selected.....	43
DISTRICT SCHOOLS—	
what to be known as such.....	688
counties to be divided by county court into school districts.....	677
county court may consolidate two or more.....	678
district in name of trustees may purchase and sell property for benefit of district.....	678
what necessary to authorize sale.....	678

DISTRICT SCHOOLS—

	PAGE
school trustees, how elected; terms of office.....	678
how to qualify.....	678
their duties and powers.....	678
to report to county superintendents.....	681
compensation	679
to take census of children.....	681
must keep a record.....	678
to visit schools.....	681
report to annual meeting.....	679
may appoint certain officers.....	681
may unite and control contiguous districts.....	679
majority may do business.....	685
estimates by, prior to raising tax.....	679
power to tax.....	679
districts may vote taxes; amount of.....	679
voters, property tax payers.....	679
challenges of voters.....	679
meetings to fix rate of tax, how called.....	680
who to collect school taxes.....	680
compensation for.....	680
to give bonds.....	680
county clerk to compute school tax in county assessment rolls.....	680
board of equalization.....	681
taxes a lien upon property.....	681
when delinquent.....	681
when collector to pay over moneys.....	681
entitled to equitable portion of school fund.....	683
board of examiners.....	683
their powers and duties.....	683
teachers to furnish quarterly reports.....	684
Territorial superintendents.....	685
duty of.....	685-686, 689
school commissioner.....	123
county superintendents, election of.....	685
term of office; how to qualify.....	685
duties of.....	686-687, 686
text books, by whom to be selected.....	686
school fund, collection and disbursement.....	689
who may attend school.....	689
appropriation for normal pupils in university.....	689
by whom such pupils selected.....	689
apportionment of school money.....	690
construction of act of 1884 as to previous assessments and contracts.....	690
school property the property of district.....	690
prior to erection of school building, title to be obtained.....	691

DIVORCE—

Legislature forbidden to grant.....	93
-------------------------------------	----

DOWER—

right of granted.....	119
when to widow of aliens.....	120
what in case of exchange of lands.....	120
in mortgaged lands	120
in mortgages for purchase money.....	120
in surplus after mortgage sale.....	120
widow of mortgagee not entitled to.....	121
barred by divorce.....	121

DUTIES—

of justices, police magistrates and constables, special laws regulating, prohibited.....	94
--	----

EASEMENTS—

navigable rivers public highways	219
stream and bed of river not navigable when banks belong to different persons.....	219
mineral locators, rights of possession and enjoyment.....	219
right of way in intersecting veins or mines.....	220
what conditions of sale may be made by local legislation.....	250

EASEMENTS—

PAGE

vested rights to use water for mining, etc.....	220
right of way for canals, etc.....	220
patents, pre-emptions and homesteads subject to water rights.....	221
right of way, material, station grounds, etc., grants to railroads.....	221
rights of way of several railroads through canyon, pass or defile.....	221
crossing at grade.....	222
wagon roads, right of.....	222
private lands and possessory claims, how condemned.....	222
profile of road claiming benefits, when to be filed.....	222
disposal of lands subject to right of way.....	222
forfeiture of rights.....	223
application of act.....	223
right to alter, amend or repeal act.....	223

EDMUNDS LAW.....	110
------------------	-----

EDMUNDS-TUCKER LAW.....	114
-------------------------	-----

ELECTIONS—

time and place of holding.....	53
Territorial officers of, vacant.....	112
duties relating to, devolve on a board to be appointed by President...	112
districts abolished.....	121
re-districting.....	121
special laws for opening or fixing places of, forbidden.....	94
general, when to be held.....	318
special elections, how conducted.....	328
clerk of county court to give notice of.....	320
form of notice.....	320
copy of notice to be posted.....	320
judges of, how appointed.....	321
ballot boxes and stationery, how provided.....	321
county court to furnish envelopes for ballots.....	322
ballot box to be examined.....	322
clerk of, how designated.....	322
his duty.....	322
ballots and mode of voting.....	322
when ballot deposited duty of election officers.....	323
canvass of votes polled, how conducted.....	323
who may witness same.....	323
result of canvass, how certified.....	323
returns, examination of.....	323
returns disagreement in.....	324
how a tie to be decided.....	324, 328
ballots, how disposed of.....	324
result of election, how certified.....	325
returns, how canvassed.....	325
certificate of election.....	325
judges of, their compensation.....	325
municipal elections, etc., how held and returns made.....	325
omissions and irregularities, effect of.....	326
penalty for false returns, fraud or official neglect.....	326
false oath, perjury.....	326
riotous interference with elections, etc.....	326
threats, etc., or interference with ballot box.....	327
giving or offering bribe, a misdemeanor.....	326, 327
voter when challenged to swear as to matter of challenge.....	326
when acts took effect.....	327
special elections, to be called by Governor, to fill vacancy in elective Territorial office.....	327

ELECTION OF DELEGATE—

time of.....	66
vacancies.....	66
fraudulent voting, etc., at such elections how punished.....	66
fraudulent registration, etc., how punished.....	67
what deemed a registration.....	68
voting or offering to vote in certain cases <i>prima facie</i> evidence.....	68
violation of duty by election officers, how punished.....	68

	PAGE
EMERY COUNTY.....	267
Castle Dale, county seat.....	267
officers at organization, term of first officers.....	267, 268
at first election voters not required to be registered.....	267
ENGLISH SPARROWS--	
bounty for killing ..	749, 750
ENVELOPES FOR BALLOTS—	
to be furnished by county court.....	322
EPHRAIM CITY	542
boundaries, made a corporation; seal.....	542
powers of corporation.....	543
council how constituted.....	543
two justices to be elected.....	543
mayor and councilors to qualify.....	543
elections	543
persons elected to be notified and to qualify	544
powers of council	544
ordinances to be published	545
how proven.....	545
justices, their powers and jurisdiction.....	545
mayor, his powers and duties	545
powers of council	545, 546
act when it takes effect.....	546
ESTRAYS—	
proceedings in case of damage done by.....	783
penalty for rescue.....	787
cities excepted from act	788
EXCLUSIVE PRIVILEGE, IMMUNITY OR FRANCHISE	
not to be granted by special law.....	94
EXECUTIVE POWER	
vested in Governor	41, 51
EXPENSES OF LEGISLATIVE ASSEMBLY—	
appropriation for to be expended by secretary of Territory.....	46
EXPENSE OF PRINTING—	
limit of.....	60, 73
EXTRADITION	65
FAIRVIEW CITY	561
boundaries; made a corporation; seal	561
powers of corporation.....	561
council, how constituted.....	561
mayor and councilors to qualify.....	562
elections	562
persons elected to be notified; to qualify	562
powers of council	562, 564
ordinances to be published; how proven	563
mayor, powers and duties of.....	563
justices, their powers and duties.....	564
appeals from.....	565
FARMINGTON—	
county seat of Davis county	264
FEDERAL COMMISSION—	
appointment of	112
salary and duties.....	113
FEES—	
special law for creating or changing forbidden.....	94
FEMALE SUFFRAGE—	
abolished.....	121
FENCE—	
liability for throwing down	789
what a lawful.....	789
division fence how to be maintained.....	789
FENCING LOTS—	
when required; penalty.....	788

FENCE VIEWERS—	PAGE
two elected in each precinct.....	291
term of office.....	291
duties.....	291
FERRIES—	
special laws for chartering or licensing, forbidden.....	94
FILLMORE CITY.....	503
boundaries; made a corporation; seal.....	503
powers of corporation.....	503
council, how constituted.....	503
two justices to be elected.....	503
their powers, jurisdiction and duties.....	506
mayor and councilors to qualify.....	503
elections.....	503
persons elected to be notified and qualify.....	503
powers of council.....	503
ordinances to be published.....	503
how to be proven.....	503
mayor, powers and duties.....	506
powers of the council.....	506, 507
saving clauses.....	506
when act takes effect.....	507
county seat of Millard county.....	261
FISHWAYS—	
requirement to provide.....	746
how to be constructed.....	747
FINES—	
special laws remitting forbidden.....	94
FORFEITURES--	
special laws remitting forbidden.....	95
FORGING—	
letters patent.....	232
bid, record, etc.....	232
military bounty land warrant.....	230
deed of power of attorney.....	233
having forged papers in possession.....	233
FORNICATION—	
punishment.....	115
FORT DOUGLAS & SALT LAKE RAILWAY—	
grant of right of way to.....	88
regulations for use.....	88
FOUL BROOD in bees.....	777
inspector of bees to be appointed.....	777
how to qualify; his fitness how determined.....	778
when to act; effect of finding foul brood.....	778
FUGITIVES FROM JUSTICE—	
duty of executive to surrender.....	65
penalty for resisting agent.....	65
costs or expenses how paid.....	65
FUNDS—	
county court to establish.....	302
GAMBLING—	
not to be taxed or licensed by cities.....	330, 331
GAME AND FISH—	
provisions for preservation of.....	745
when unlawful to kill.....	745, 748
penalty for buying or selling at prohibited times.....	746
prohibited modes of killing or taking fish.....	746, 747
taking fish from private pond.....	746
penalty for failing to provide fishways.....	746
how fishways to be constructed.....	747
exception of Indians.....	747
when unlawful to kill, etc., wild geese.....	747
imported quail.....	747

GAME AND FISH--

PAGE

penalty for violation of act	748
game taken in Territory not to be taken out	748
fish and game commissioner	748
his power and duties	748
all fines and forfeitures for violating act to be paid into county treasury	748
special laws for protection of forbidden	94

GARFIELD COUNTY	269
Panguitch, county seat	269

GOPHER—

bounty for killing	749
--------------------------	-----

GENERAL INCORPORATION ACTS—

may be passed	95
---------------------	----

GOVERNOR—

executive power vested in him	41, 51
his term of office	42
powers and duties	41, 51
when Territorial secretary to be acting	42, 51
to cause enumeration of inhabitants	42, 53
duty of as to first election	42, 53
as to meeting of first legislature	42, 53
to nominate certain officers	43, 55
his salary	46, 52
his power of appointment	44
appropriation for contingent expenses	46
his powers in organization of Territorial government	48
temporary power to define judicial districts	58
to assign judges to districts	58, 63
to fix times and places for holding courts	58
how appointed	45, 58
how to qualify	58
annual appropriation for his contingent expenses	63

GRAND JURY—

duties and powers	106
-------------------------	-----

GRANTSVILLE CITY	565
boundaries, made a corporation; seal	565, 566
council, how constituted	566
elections	566, 567
council judge of election, etc. of members	567
a majority a quorum	567
may determine their rules of proceedings	567
to divide city into wards	568
their powers	569, 575
their meetings	567
elective officers how removed	567
vacancies how filled	567
officers to qualify	568
justices, their powers and duties	568
process, how directed and served	568
recorder's duties	569
treasurer's duties	569
poll tax	569
assessment, when to be returned	570
council to hear objections to	570
collector to be furnished with tax list	570
ordinances to be published	574
how proven	575
property, how taken for streets	575
conservators of peace, powers of	575
council to publish financial statement	576

GROWTH OF TIMBER—

encouragement of	764
exemption from taxation	764, 765

HABEAS CORPUS—

writs of error and appeals in cases of.....	45, 62
supreme and district courts and judges may issue.....	45, 64

HIGHWAYS—

Legislature forbidden to pass special laws for laying out, etc.....	93
or vacating.....	94
defined.....	738-739
limited, defined.....	739
when dedicated.....	739
when toll roads, etc., become.....	739
when a road ceases to be a highway.....	739
effect of accepting land for.....	739
powers of county court over.....	739-740
supervisors of.....	740
their duties and powers.....	740, 742
road districts.....	739
poll tax, collection and expenditure of.....	740
regulations for.....	742, 744
sidewalks along.....	742
shade trees.....	742
penalty for injuring.....	742, 744
right of way over for railroads.....	742
canals, etc., crossing.....	743
penalty for certain injuries or obstructions.....	743
mile boards, penalty for injuring.....	743
driving cattle on hillside.....	743
fast driving on bridges.....	743
crossing bridges with cattle, etc.....	743, 744
passing of teams.....	744
penalty for violations of act.....	744
who to recover penalties.....	744

HOMESTEADS.

who may enter certain unappropriated public lands.....	148
mode of procedure.....	149
pre-emption filing changed to homestead entry.....	150
homestead settlers allowed same time as pre-emptors to file application for land.....	150
certificate and patent, when given and issued; penalty for false swearing.....	151
when rights inure to the benefit of infant children.....	152
homestead entries of insane persons confirmed in certain cases.....	153
persons in military or naval service, when and before whom to make affidavit.....	153
when persons may make affidavit before clerk of court.....	154
record of applications.....	154
homestead lands not to be subject to prior debts.....	155
when lands entered for homesteads revert to Government; time that may be allowed settlers.....	155
publication of notice of contest in homestead cases.....	156
notice of intention to make final proof.....	156
publication of notice of entry.....	156
lands covered by relinquished homestead claims subject to entry at once.....	157
party contesting homestead entry to be allowed thirty days after notice of cancellation, to make entry.....	157
limitation of amount entered for homestead.....	157
existing pre-emption rights not impaired.....	157
what minors may have the privileges of this chapter.....	158
payment before expiration of five years; rights of applicants.....	158
no distinction on account of race or color.....	158
disposition of lands in certain States.....	158
soldiers' and sailors' homesteads.....	159
deduction of military and naval service from time, etc.....	160
persons who have entered less than 160 acres, rights of.....	160
widow and minor children of person entitled to homestead.....	161
actual service in the army or navy equivalent to residence, etc.....	161
who may enter by agent.....	161
homestead rights extended to Indians who sever their tribal relations.....	162

HOMESTEADS--

PAGE

certain Indian homesteads confirmed.....	162
chiefs, etc., of Stockbridge Munsees, homestead rights of.....	163
exemption of homesteads of Stockbridge Munsees.....	163
Stockbridge Munsees becoming citizens.....	163
unsold lands of the Ottawa and Chippewa Indians, how opened for homesteads.....	164
selection for minors under preceding section.....	164
bona fide settlers on above lands prior to, etc.....	164
certain lands to be patented to Indians making selections.....	165
cultivation of trees on homestead tracts.....	165
entry of 160 acres of double-minimum lands allowed after March 3, 1879. Additional entry of adjoining lands allowed; new entry, when allowed.....	165
homestead claimants or their assignees, may purchase lands at \$1.25 per acre in certain cases.....	166
confirmation of homestead entries within railroad limits made prior to receipt of notice of withdrawal at local office.....	167
lands within railroad grants re-entered by claimants after abandonment	167
homestead entries made after expiration of land grant, confirmed.....	167
patents for subject to water rights.....	210
what mineral lands subject to.....	210

HOLIDAYS.....	752
---------------	-----

HOSPITAL—

county court to provide and furnish.....	301
--	-----

HOUSES OF ILL-FAME—

not to be taxed or licensed by cities.....	330, 331
power of common council to restrain.....	331

HUSBAND AND WIFE—

may be witnesses, when in prosecutions under Anti-Polygamy law.....	114
---	-----

HYRUM CITY—

charter; boundaries; made a body corporate; seal.....	397
powers of corporation.....	397
how council constituted.....	397
two justices to be elected.....	398
mayor and councilors to qualify.....	398
elections.....	398
persons elected to be notified and to qualify.....	398
powers of council.....	398, 399, 400
ordinances must be published.....	399
ordinances, how proven.....	399
justices of the peace; their jurisdiction and duties.....	400
mayor, his powers and duties.....	400
when act to take effect.....	400

IMMIGRATION—

certain laws prohibited.....	118
------------------------------	-----

INCEST—

punishment.....	115
-----------------	-----

INDIANS—

rights of in person and property not affected by acts of Congress relat- ing to Territorial Government.....	50
authority of United States to make regulations for, not affected.....	50

INSANE ASYLUM—

established; purpose of; title.....	693
board of directors.....	693
successors, how elected.....	694
term of office.....	694
style of.....	695
Governor a member.....	694
powers and duties.....	695, 697
vacancies, how filled.....	694
power to remove officers and employees.....	698
how to qualify and organize..	694
compensation.....	697
to elect officers.....	694, 697, 699
to have no interest in contracts.....	695

INSANE ASYLUM—

PAGE

site to be selected.....	694
erection of building.....	695
treasurer to be elected; his duties.....	697
secretary to be elected; his duties.....	698
refusal of patients for want of room.....	698
medical superintendent.....	699
his duties.....	699
assistant physician.....	700
his duties and compensation.....	700
probate judges, their powers on applications for admission.....	700
procedure on applications.....	701, 704
money found on insane persons.....	704
disposition of it.....	705
delivery of patient to asylum, mode of.....	705
how females taken there.....	705
when patient has sufficient means to pay charges, how his liability secured and enforced.....	706
a guardian to be appointed; his bond.....	706
papers to be sent persons liable for patient.....	708
their right of appeal.....	711
kindred may receive insane person from asylum.....	708
bond to be given; form.....	708
discharge of person found not insane.....	710
form of order.....	710
if found insane on examination, who to pay costs.....	710
precedence where room insufficient.....	710
provision for support at public charge does not relieve estate of patient.....	711
infectious and contagious cases excluded.....	711
relatives and friends may pay towards charges of patients, and credit to be given.....	711
officers, etc., exempt from jury duty.....	711
insane persons at large may be arrested.....	712
persons charged with insanity to be restrained of liberty only according to this act.....	712
fees of examining physicians.....	712
county to pay costs; how reimbursed.....	712
probate judge, when to make inquiries.....	712
provision for insane excluded for want of room.....	712
penalty for attempting to introduce person into asylum contrary to act.....	712
penalty for wanton cruelty to person restrained as insane.....	712
penalty for unlawful entry into asylum premises.....	713
penalty for inducing patient to elope.....	713
penalty for bringing pauper into any county to be public charge.....	713
penalty for other violations of act.....	713

INQUESTS—

who to hold and when.....	774
form of warrant.....	774
duty of officer to serve.....	774
when juror fails to appear.....	774
oath to jury.....	775
subpena.....	775
oath to witnesses.....	775
duty of jurors.....	775
form of finding.....	775
when finding not to be made public.....	776
warrant of arrest.....	776
what to contain.....	776
disposition of body.....	776
fees.....	766, 777
discretion to have scientific examination.....	777

INSPECTOR OF BEES.....

term of office; how to qualify; duties.....	777
compensation of.....	778

INSPECTORS OF CATTLE.....

duties of.....	780
	781

INTEREST—

PAGE

special laws regulating forbidden.....	94
lawful rate when no agreement.....	751

INTERNAL POLICE REGULATIONS..... 767

INTOXICATING LIQUORS..... 767

inspector to be appointed.....	767
inspection of.....	767
Sykes' hydrometer.....	768
selling liquors not inspected.....	768
sale of without a license forbidden.....	768
penalty for.....	770
county court or city council may issue licenses.....	768
bond to be filed.....	768
amount of license.....	769
uniformity of.....	769
terms of.....	769
money for into what treasury to be paid.....	769
who to issue; conditions.....	769
penalty for selling to Indians, etc.....	769
on Sunday.....	770
on election days.....	792
permitting gamblers on premises.....	770
actions by married women for damages from the traffic.....	770
certified copy of license--bond as evidence.....	770
when liquor bills can not be sued for.....	770
when suits may be maintained before a justice.....	771
successive suits.....	771
how judgment may be rendered and enforced.....	771
county court or officer not to interfere in cities.....	771
when vine growers excepted.....	771
violations of act misdemeanors.....	772

IRON COUNTY..... 269

Parowan, county seat.....	269
when act took effect.....	270

ISSUE OF MORMON MARRIAGE LEGITIMATED..... 112

laws annulled allowing illegitimate to inherit; exception.....	117
--	-----

JUAB COUNTY..... 269

Nephi, county seat.....	262
-------------------------	-----

JUDGES OR JUSTICES OF THE SUPREME COURT--

how appointed.....	46, 58
their term of office--where to reside.....	44
how and where to qualify.....	46, 59
their salary.....	46, 59
authorized to hold court in counties according to Territorial laws.....	58
exception of United States cases.....	58

JUDICIAL DISTRICTS—

power of Governor to define.....	58
assignment of judges to.....	63

JUDICIAL POWER—

in what courts vested.....	44, 62
----------------------------	--------

JUNCTION—

county seat of Piute county.....	261
----------------------------------	-----

JURISDICTION--

of the several courts.....	44, 57
appellate jurisdiction of supreme court.....	57
appellate of Supreme Court of United States in Territorial cases, how exercised.....	100
record on appeal, how made.....	100
of district courts.....	103
of probate courts.....	103
of justices, how limited.....	57
of supreme and district courts.....	57
of district courts.....	62
legislature forbidden to pass special laws regulating of justices and police magistrates.....	94
under public land laws.....	240

JURORS—	PAGE
qualification of jurors.....	105
how drawn and summoned.....	105
names drawn not to be returned.....	106
additional drawing during term.....	106
challenges.....	106
who disqualified.....	123
special laws for summoning and empaneling forbidden.....	94
JURY LIST—	
how prepared.....	105
JURY TRIAL—	
right of prisoner.....	99
JUSTICES OF THE PEACE.....	81
recognized in organic act.....	57
Congressional restrictions as to jurisdiction.....	56
elective.....	55
questions of land boundary not within their jurisdiction.....	57
vacancies to be filled by appointment or election as may be provided by	
Territorial laws.....	92
to hold until successor elected and qualified.....	92
repeal of inconsistent laws.....	92
legislature forbidden to pass special laws regulating jurisdiction and	
duties of.....	94
jurisdiction of.....	104
appeals from.....	104
each precinct to elect one.....	290
how to qualify.....	290
vacancies how filled.....	291
power of to hold inquest.....	774, 777
in cities.....	641
KANAB, town of; county seat of Kane county.....	260
boundaries; made a body corporate.....	604
board of trustees, how constituted.....	604
members to qualify; president to preside.....	605
powers of board.....	605, 607
vacancies, how filled.....	605
elections.....	605
persons elected to be notified: to qualify.....	605
clerk of board of trustees; powers and duties of.....	608
marshal, powers and duties of.....	608
act, when to take effect.....	608
KANE COUNTY.....	260
Kanab, county seat.....	260
when act took effect.....	270
KAYSVILLE CITY—	
charter.....	427
boundaries: made a corporation; seal.....	427
powers of corporation.....	428
council, how constituted.....	428
two justices to be elected.....	428
mayor and councilors to qualify.....	428
elections.....	428
persons elected to be notified and must qualify.....	429
subsequent elections.....	429
powers of council.....	429, 431
ordinances to be published.....	430
ordinances, how to be proven.....	430
justices, their jurisdiction and duties.....	430
mayor, his powers and duties.....	430
act, when it took effect.....	431
LAND—	
justices have no jurisdiction when title to in question.....	57
LATER CONGRESSIONAL LEGISLATION.....	71
LAWS—	
Territorial to be submitted to Congress; effect of disapproval.....	43, 54

	PAGE
LEGISLATURE.....	244
members, when elected.....	244
their qualifications.....	328
sessions, when to commence and where held.....	244
privilege of members.....	244
term of office.....	244
apportionment of representation.....	245
representative districts.....	245, 248
council districts.....	248, 249
LEGISLATIVE ASSEMBLY, how constituted.....	42, 52
apportionment and election of members.....	43, 53
when and where first and subsequent sessions to be held.....	47, 60
not authorized to pass any law to add to the compensation allowed by laws of United States to Governor and certain other officers.....	55
not to exceed limit of expenses.....	60
restrictions on its legislation.....	60, 93-96
may pass general incorporation acts.....	60
LEGISLATIVE POWER, where vested.....	42, 52
extends to all rightful subjects of legislation.....	43, 54
restrictions on.....	43, 54, 60, 93-96
LEGISLATIVE SESSIONS—	
limited to sixty days.....	54
as to extra sessions.....	52
LEGITIMATION OF CHILDREN—	
of Mormon marriages.....	112
LIBRARY—	
librarian, how elected.....	668
term of office; how to qualify.....	668
his duties.....	668
may appoint a deputy.....	668
to be kept at seat of government.....	668
who permitted to use books.....	669
care of books.....	669
construction of laws as to removal.....	669
purchased by appropriation of Congress, how kept and used.....	64
LICENSES—	
for revenue on merchants, etc.....	734
sale of liquors without forbidden.....	768, 770
how issued for traffic in liquors.....	768, 769
conditions; liability of licensee, etc.....	769, 772
LEHI CITY—	
charter.....	451
boundaries, made a corporation; seal.....	451
powers of corporation.....	451
council, how constituted.....	452
members of council to qualify.....	452
elections.....	452
who entitled to vote.....	452
powers of council.....	452, 455, 457, 458
ordinances to be published.....	456
ordinances, how proven.....	456
mayor and aldermen conservators of the peace.....	456
their jurisdiction.....	456
meetings of council.....	456
process, how directed and served.....	456
recorder's duties.....	456
property, how taken for streets.....	457
mayor to be indicted when he violates his duty.....	457
council may provide for punishment by imprisonment.....	457
LIEN—	
of school district taxes.....	681
of city taxes.....	639
of special assessments in cities.....	645
taxes for general revenue.....	721

	PAGE
LOAN, PUBLIC, ACT FOR.....	714
preamble stating objects.....	714
loan commissioners	714
duties of	714
bonds how issued, how made payable.....	715
treasurer to advertise sale of bonds	715
treasurer and commissioners to open bids and award purchase.....	716
engraving of bonds, expenses of	716
after signing, bonds to be delivered to Territorial treasurer.....	716
treasurer to give additional official bonds.....	716
auditor to draw warrant for interest	716
appropriation for interest	716
when redemption fund to be provided	717
when bonds to be called for for redemption	717
not to draw interest after call matures	717
endorsement of bonds by auditor	717
treasurer to file with auditor statement of bonds sold.....	717
auditor to keep record of bonds issued	718
commissioners to report biennially.....	718
bonds not to be taxed.....	718
when act takes effect.....	718
LOGAN CITY, county seat Cache county	265
certain powers of council.....	334, 336
charter.....	360
boundaries; made a body corporate; seal	360
powers of corporation.....	360
council, how constituted	361
elections when held	361
first election, how conducted.....	361
subsequent elections, how conducted.....	362
mayor to preside in council	362
powers of council	362, 369
justices, jurisdiction and duties.....	363
process, how executed	363
recorder's duties.....	363
treasurer's duties	364
assessment roll, when returned.....	364
council may hear objections	365
collector to be furnished a list of taxes.....	365
ordinances must be published.....	370
ordinances, how proven	370
property, how taken for streets.....	370
conservators of the peace, powers of.....	370
financial statement.....	370
LYNXES—	
bounty for killing.....	749
MILITIA—	
general officers of, elective	55
MANTI CITY, county seat of Sanpete county	262
boundaries; made a corporation; seal.....	538
powers of corporation.....	536
council, how constituted	536
members to qualify.....	536
elections	536
qualifications of electors.....	537
powers of council.....	532, 540, 541, 542
ordinances to be published	540
how proven.....	540
mayor and aldermen, conservators of the peace.....	540
their jurisdiction and duties	540
meetings of council	451
process, how directed and served.....	540
recorder's duties.....	541
property, how taken for streets.....	541
mayor subject to indictment for misconduct.....	541

MARRIAGE—

PAGE

ceremony of	116
certificate of	116
certificate, or record of, evidence	117
penalty for violating regulations	117
other proof of	117

MARSHAL—

United States, how to be appointed	45, 46, 58
his powers and duties	58
his term of office	45, 46, 58
his salary	59
his fees and costs	59
deputies, their appointment, bond, oaths, etc.	102
action against for malfeasance of deputy, how brought	102
fees	107
act relating to Territorial disapproved	107
powers of.	116
to attend sessions of supreme and district courts	101
to serve process, writs, etc.	101
not to receive mileage for greater than the actual travel	102
of city	642
of town	656

MAYOR AND ALDERMEN—

are justices	330
jurisdiction of.	330
cases under ordinances, how commenced	331

MEDICAL SUPERINTENDENT—

of asylum	699
-----------------	-----

MEMBERS OF LEGISLATIVE ASSEMBLY—

qualifications; term of office	52, 54
must reside in district.	52
prohibited from holding certain offices	44, 54
their compensation	54, 64, 72
postmasters eligible	54

MENDON CITY—

boundaries; made corporate body; seal	382
corporate powers	382
council how constituted	382
two justices to be elected	383
mayor and councilors to qualify	383
elections	383
persons elected to be notified	383
subsequent elections	383
powers of council	383, 385
ordinances to be published	384
ordinances, how proven	384
justices of the peace, their jurisdiction and duties.	384
mayor, powers and duties	385
act, when to go into effect	385

MINERAL LANDS—

mineral land reserved except as otherwise directed by law	194
open to purchase by citizens	195
length of mining claim upon lode	196
proof of citizenship	196
locators' right to possession and enjoyment	197
tunnel right	198
miners' rules and regulations	199
miners' record, what to contain	199
annual expenditures	199
forfeiture and right of relocation	200
mode of forfeiture for failure of co-owner to contribute to annual expenditures	200
patents for mineral lands, how obtained	202
oath of applicant, how permitted to be taken	206
authority of agent to make application and affidavit	203
adverse claims, proceedings	204

MINERAL LANDS—	PAGE
verification of	205
description of vein, claim, or surveyed and unsurveyed lands	205
applications made under former laws and existing rights.....	205
placer claims, conformity of, to survey	206
limits of in quantity.....	206
what evidence of possession, etc., to establish a right to patent	207
proceeding for patent of placer claims.....	207
surveyor general to appoint surveyors of mining claims, etc.	208
verification of affidavits	208
where veins intersect, etc.....	209
patent for non-mineral lands for milling purposes	209
what conditions of sale may be made by local legislature	210
vested rights to use water for mining, etc.....	210
how mineral lands set apart as agricultural	211
mineral land law not to affect certain rights	212
nor applicable to mineral lands in certain States.....	212
certain mineral lands subject to sale as agricultural.....	212
mineral lands not included in certain grants to States.....	212
entry of coal land	212
pre-emption of	213
within what time to be presented	214
only one entry allowed.....	214
conflicting claim	214
rights reserved.....	215
protest suits.....	215
MILLARD COUNTY—	
Fillmore, county seat.....	261
MINORS—	
special laws for sale or mortgage of real estate of forbidden....	94
MINK—	
bounty for killing.....	749
MORGAN CITY, county seat of Morgan county.....	265
boundaries, made a corporation; seal.....	594
powers of corporation.....	595
council, how constituted	595
two justices to be elected	595
their powers and duties	597
council, members of to qualify.....	595
powers of	596-599
their meetings	599
elections	596
person elected to be notified; to qualify	596
ordinances to be posted; how proven	597
mayor, powers and duties of.....	598
act, when to take effect.....	598
MORGAN COUNTY	265
Morgan city county seat.....	265
MONEY—	
use of note, check, etc., for.....	751
MORMON CHURCH—	
proceedings prescribed to enforce forfeiture of property	118
dissolution of corporation	119
proceedings prescribed to wind up.....	119
MORONI CITY—	
boundaries; made a corporation; seal	547
powers of corporation	547
council, how constituted.....	547
two justices to be elected	548
jurisdiction and duties of.....	550
mayor and councilors to qualify.....	548
powers and duties of.....	550
mayor and councilors to qualify.....	548
powers and duties of	550
elections	548
persons elected to be notified to qualify.....	547

MORONI CITY—	PAGE
powers of council.....	548, 549
ordinances to be published	549
how proven.....	549
when act takes effect.....	550
MORTGAGE—	
special laws for, of real estate of minors or others under disability forbidden.....	94
MOUNT LIONS—	
bounty for killing.....	749
MOUNT OLIVET CEMETERY—	
public cemetery to be laid out on military reservation.....	91
part of cemetery for use of religious denominations	91
part for potters field.....	91
MOUNT PLEASANT CITY—	
boundaries, made a corporation; seal.....	551
powers of corporation.....	551
council how constituted.....	552
two justices to be elected.....	552
their powers, jurisdiction and duties.....	554
mayor and councilors to qualify.....	552
elections.....	552
persons elected to be notified and qualify.....	552
powers of council.....	553, 555
ordinances to be published.....	554
how to be proven.....	554
mayor, his powers and duties.....	554
when act takes effect.....	550
MUNICIPAL CHARTERS—	
not to be construed to authorize a tax on or license of gambling, etc.....	330
mayor and aldermen to be justices.....	330
jurisdiction of mayor and aldermen	330
power of council under.....	331, 333
to construct water works	332, 334
limitation of taxation for improvements.....	333
commissioners of assessment.....	332
reimbursement for improvements	333
assessments a lien	333
fines for misdemeanors committed in cities, when to be paid	333
how certain city officers to be elected	333
members of council not to hold certain offices.....	333
special laws for incorporating or changing charters of, forbidden.....	94
MUSKRATS—	
bounty for killing.....	748
NAME—	
of precinct, town or school district may be changed by county court; how when changed, old name when to mean new one	314
NATURALIZATION	125
aliens, how naturalized.....	125
aliens honorably discharged from military service	127
minors resident	128
widow and children of declarants.....	128
aliens of African nativity and descent.....	128
residence of five years in United States	128
alien enemies not admitted	128
children of persons naturalized under certain laws, to be citizens	129
police court of District of Columbia has no power to naturalize foreigners	129
naturalization of seamen.....	129
declaration of intention, etc., may be made before clerks of certain courts.....	130
NAVIGABLE RIVERS—	
within public lands, public highways.....	218
NEPHI—	
county seat of Juab county	262

NORMAL DEPARTMENT—	PAGE
in university..	661
pupils in, by whom selected.....	661, 689
NOTARIES PUBLIC—	
to be appointed by Governor.....	106
modification of Territorial act relating to.....	107
how to qualify	316
where commission to be recorded.....	316
limitation to suit on his official bond	316
authorized to administer oaths.....	317
to take acknowledgments.....	317
duty in relation to commercial paper.....	317
where records to be deposited in case of vacancy	317
what official seal to contain....	317
to attest therewith all his official acts	317
NOXIOUS ANIMALS, INSECTS AND WEEDS—	
county court to provide for destroying	302
OATH—	
of voters; of office; of jurors	122, 123
OBSCENE LITERATURE—	
circulation of, how punished	69
OFFICE—	
qualifications to hold.....	54, 123
at the first election	43, 55
restrictions as to holding certain offices	54
qualifications for to be prescribed by law	43, 56
how to be filled	43
members of Legislative Assembly not to hold or be appointed to certain offices	44
persons holding commissions under United States not eligible to Territorial offices.....	44
OFFICERS—	
who to notify those elected by Legislative Assembly.....	249
delinquent, proceedings to be taken against.....	252
money collected from, where deposited.....	253
to deliver books, etc., to successor.....	253
county and precinct to qualify	327
all officers, elected or appointed to fill vacancies, to qualify.	328
to be also commissioned.....	327
OFFICERS of Territorial Legislature, compensation of	72
OGDEN CITY—	
charter.....	414
boundaries, made a corporation; seal.....	414
powers of corporation.....	415
council, how constituted.....	415
elections.....	415
first election, how conducted.....	415
subsequent elections.....	416
mayor to preside in council	416
stated and special meetings.....	416
council to appoint certain officers.....	416
elective officers how removed.....	416
vacancies how filled.....	416
all officers to qualify.....	417
council to divide city into wards.....	417
mayor and aldermen to be conservators of the peace.....	417
process, how directed and executed.....	417
recorder's duties.....	417
treasurer's duties.....	418
powers of council	418-424,
assessment roll, when to be returned	426
council to hear objections to	419
certain powers conferred on council	334-336
collector to be furnished with tax list	429
taxes, how collected	419
ordinances must be published	424

OGDEN CITY—

PAGE

how proven	424
streets, property how taken for	424
saving clauses	424, 425
conservators of peace, powers of	425
powers of old council to continue until new council elected.	425
repeal of old charter.	425
council to publish financial statement.	426
office, removals from, how effected	426
council may appropriate water	426

OPIUM—

no house to be established for smoking it	795
renting for that purpose....	795
smoking it, in such house, a misdemeanor	795

ORDINANCES—

power of common council of cities by	331
cases under, how commenced	331

OREGON SHORT LINE RAILWAY COMPANY—

created a corporation, when	89
to be subject to laws and regulations of United States or Territories..	89
and to suits in courts of Territories	89
right to alter, etc., reserved	89

ORGANIC ACT

41

QUALIFICATIONS, to vote and hold office	122, 123, 329
of soldiers	329
at the first election	43, 55
to be prescribed by Territorial laws.	43, 56
subject to restrictions	56
who deemed a resident	329

QUARANTINE—

limits of	772
physician to be appointed	772
to make report	773
duties of, and of nurses.	773
board of	772
when necessary to remove persons or not	773
penalty for wilfully introducing contagious disease	773
act not to apply to certain cities	773

PACIFIC RAILROAD GRANTS—

alternate sections on each side of railroad for ten miles granted to company	83
mineral lands excepted	83
lands, when subject to settlement and pre-emption	83
patents for said lands, when and how to issue.	83
commissioners.	84
company to render statement on oath.	84
line of railroad and telegraph, where to commence; direction	84
other railroads may connect.	84
meaning of word "company"	84
railroads may take and hold lands necessary for roads, etc.	85
damages; appraisalment; appeal from assessment	85
damages to lands of absent owners	86
damages to unoccupied lands	86
agreements as to damages of persons under disabilities	86
amendment to first grant.	86
"mineral land" not to include coal and iron	87
pre-emption, homestead, etc., rights not affected.	87
limit to exemption	87
grant of timber; company defined	87
lands granted to colleges not included	87

PANGUITCH—

county seat of Garfield county	270
--------------------------------------	-----

PARDON, power of in Governor..... 41, 51

PARK CITY

boundaries; made a corporation; seal	585
powers of corporation	585

PARK CITY—

	PAGE
to be divided into wards.....	585
council, how constituted.....	586
to elect a president.....	587
their meetings.....	587
how to qualify.....	588
their power of appointment.....	587, 588
to fill vacancies.....	588
have power to levy taxes.....	588
to prescribe form of assessment roll.....	588
to determine amount of tax.....	588
to fix day for objections to assessments.....	588
removing vacates office of member.....	594
their powers.....	589-591
salary of members.....	591
elections.....	586, 587
who entitled to vote.....	587
mayor to preside in council.....	587
his duties.....	587
assessment, when to be made.....	588
roll to be evidence.....	589
treasurer to be furnished list of taxes.....	589
his duties.....	592
how to qualify.....	593
ordinances to be published; how proven.....	591
recorder's duties.....	591
how to qualify.....	593
police justice, jurisdiction of.....	591, 593
how to qualify.....	593
practice in court of.....	592
appeals from.....	592
process of, how directed and served.....	592
to pay over moneys.....	592
his fees.....	594
marshal, duties of.....	592
his powers.....	593
how to qualify.....	594
fees of.....	594
constable of precinct.....	593
claims, how audited.....	593
repealing clause.....	594
when act takes effect.....	594

PAROWAN CITY, county seat of Iron county.....

boundaries; made a corporation; seal.....	269
powers of corporation.....	511
council, how constituted.....	511
mayor and councilors to qualify.....	512
elections.....	512
persons elected to qualify.....	512
powers of the council.....	513, 514
ordinances must be published.....	513
how proven.....	514
justices, their powers, jurisdiction and duties.....	514
mayor, his powers and duties.....	514
act, when it takes effect.....	515

PATENTS—SEE PUBLIC LANDS—

HOMESTEADS; PRE-EMPTIONS; DESERT LANDS; MINERAL
LANDS; TIMBER AND TIMBER CULTURE; ALIEN LAND
ACT.

PAUPERS—

county court to provide against bringing into county.....	303
---	-----

PAYSON CITY.....

boundaries; made a corporation; seal.....	490
powers of corporation.....	490
council, how constituted.....	491
elections, when held and how conducted.....	491

PAYSON CITY—

PAGE

subsequent elections	491
council, judge of qualifications of members.....	492
mayor to preside in the council	492
meetings of council	492
council to appoint certain officers	493
elective officers, how removed.	492
vacancies, how filled	492
council to divide city into wards	492
mayor and aldermen, conservators of the peace.....	493
their powers, jurisdiction and duties	493
process, how directed and served.	493
recorder's duties.....	493
treasurer's duties	493
powers of council	494-499
assessment roll, when returned; council to hear objections	494
collector to be furnished tax list; how to collect.....	495
property, how taken for streets.....	500
saving clauses.....	500
powers of conservators of the peace.	500
old council continues until successors elected.....	501
repealing clause	501
council to publish financial statement	501
powers of council.....	501

PEDIGREE OF STOCK—

recorder of marks and brands to record.	765
when pedigree may be recorded.....	765
fees for recording.....	766
penalty for false statement	766
record of to be Territorial property.....	766

PENALTIES—

special laws remitting forbidden	94
--	----

PENITENTIARY—

when erected by United States to be in care of marshal	61
attorney-general to prescribe rules.....	61
he to fix marshal's compensation.....	61
expenses of, how paid.....	61
Territorial convicts confined in	62

PERPETUAL EMIGRATION FUND COMPANY—

dissolved	118
affairs of to be settled.....	119

PIUTE COUNTY.....

Junction, county seat.	261
-----------------------------	-----

PLEASANT GROVE CITY.....

boundaries; made a corporation; seal	467
powers of corporation.....	467
council, how constituted.....	468
members of council to qualify.....	568
elections	468
qualifications of electors	468
powers of council	468-472, 473
ordinances to be published	472
ordinances, how proven	472
mayor and aldermen conservators of the peace	472
their powers, jurisdiction and duties.....	472
meetings of council	472
process, how directed and served	473
recorder's duties.....	473
property, how taken for streets	473
mayor subject to indictment for violation of duty.....	473

POLAND BILL

101

POLL TAX—

road supervisors to collect.....	740
proceedings to collect; how expended	740, 741

POLYGAMY—	PAGE
definition of and penalty for.	108, 110
provision in Edmunds law does not affect offences already committed	111
challenges to jurors in trials for	111
amnesty.	112
POLYGAMISTS, Etc.—	
disfranchisement of	112, 123
POSTMASTERS—	
may be elected members of Legislative Assembly	54
POUNDS—	
county court to maintain, regulate and govern	301
POUND KEEPERS—	
appointment of.	783
term of office; how to qualify; duties and liabilities of.	783, 788
fees of	787
PRACTICE OF COURTS	112
Legislature forbidden to pass special laws to regulate.	94
PRECINCTS—	
county court has power to establish.	299
name of, how changed.	314
PRE-EMPTIONS—	
lands subject to.	132
lands not subject to	132
persons entitled to	133
persons not entitled to	134
limitation of pre-emption right	134
oath of pre-emptionist, where filed; penalty.	134
notice of intention to make final proof	136
publication of notice of entry.	136
proof of settlement; assignment of pre-emption rights	136
claim of settlers on lands not proclaimed for sale	137
statement to be filed by settlers with intent to purchase, on lands sub-	
ject to private entry.	136
declaratory statement of settlers on unsurveyed lands, when filed.	138
pre-emption claimants; time of making proof and payment.	138
lands relinquished by pre-emptors, subject to entry at once.	139
party contesting pre-emption entry to be allowed thirty days after	
notice of cancellation, to make entry.	139
publication of notice of contest in pre-emption cases	139
extension of time in certain cases to persons in military and naval	
service.	139
death before consummation of claim; who to complete, etc.	140
entries of insane persons confirmed in certain cases	140
non-compliance with law caused by vacancy in office of register or re-	
ceiver not to affect, etc.	140
no pre-emption of land sold, but not confirmed by General Land Office	141
purchase by private entry after expiration of pre-emption right	141
when more than one settler, rights of appeal to Commissioner and	
Secretary of Interior.	141
settlements of two or more persons on the same subdivision before	
survey.	142
settlements before survey on sections 16 and 36, deficiencies therefor	142
selections to supply deficiencies of school lands.	143
military bounty land warrants receivable for pre-emption payments.	143
Agricultural college scrip receivable in payment of pre-emptions.	143
pre-emption limits along railroad lines	144
pre-emption rights on lands reserved for grants, found invalid	144
pre-emption rights on lands reserved for railroads.	144
right of additional location by pre-emptors within limits of forfeited	
railroad grants.	144
confirmation of pre-emption entries within railroad limits made prior	
to receipt of notice of withdrawal at local office.	145
land within railroad grants re-entered after abandonment.	145
entries made after expiration of land grants.	146
where claimant of entry becomes register or receiver.	146

PRE-EMPTIONS—	PAGE
right of transfer of settlers under homestead or pre-emption laws for	
certain public purposes	146
patents for, subject to water rights	210
PRESERVATION OF HEALTH—	
county court to provide for	303
PRIMARY DISPOSAL OF SOIL—	
no Territorial law to be passed to interfere with	43, 54
PRIVATE CHARTERS—	
not to be granted by Territorial legislature	60, 94
section against granting qualified	73, 74
PROBATE COURT—	
jurisdiction of	103, 117
divorce jurisdiction	103
such cases may be removed to district court	103
may enter lands for benefit of occupants	104
and may act under certain statutes	104
certain judgments of, confirmed.	104
PROBATE JUDGES—	
apportionment of	120
term of office	273
to be appointed by president	121
how to qualify	273
to reside at the county seat	274
to preside at all sessions of county court	274
fees	274
to approve sheriff's official bond	279
to approve official bond of county surveyor	282
to approve official bond of prosecuting attorney	284
to approve official bond of coroner	290
general provisions for such approval as to county and precinct officers	291
penalty for violating law in allowing claims	294
jurisdiction as to insane persons	700, 704 712
PROSECUTING ATTORNEYS—	
to be biennially elected	284
how to qualify	284
their duties	284
compensation	284
may appoint deputies	284
Poland bill gives power to provide for election of	103
their duties	103
PROSECUTIONS under anti-polygamy acts—	
indictment	111
witnesses, who competent	114
attachment of witnesses	115
PROTECTION—	
of game or fish; special laws for forbidden	94
PROVO CITY—	
charter	432
boundaries; made a corporation; seal	432
powers of corporation	433
council, how constituted	433
elections	433
first election, how conducted	433
subsequent elections; how conducted	434
mayor to preside in the council	424
meetings of council	434
council to appoint certain officers	434
elective officers, how removed	434
vacancies how filled	435
officers to qualify	435
council to divide city into wards	435
mayor and aldermen conservators	435
their jurisdiction and duties	435
process, how issued and executed	435

PROVO CITY—

	PAGE
recorder's duties	436
treasurer's duties	436
powers of the council	436,
ordinances to be published	442
ordinances, how proven	442
property, how taken for streets	443
saving clauses	442,
conservators of the peace, powers and duties	443
power of old council continued until successors elected	443
repeal of former charter	444
council to publish financial statement	444
certain powers granted to common council	334, 336

PUBLIC LANDS—

miscellaneous provisions	226
suspended entries, principles of decision	226
how such adjudications to be approved	227
to be reported to Congress	227
how to be arranged in classes	227
how patents to issue on the classes	227
lands of second class to be put in market	227
new patents, when may issue	228
extent of foregoing provisions	228
certified copies of records	228
validity of certain exemplifications	229
lands of United States, how only to be occupied	229
titles of intruders forfeited	229
president authorized to have intruders removed	230
authority of marshal in effecting such removal	230
forging, etc., military bounty land warrants	230
authentications of foreign records relating to lands	231
perjury in oaths used in the land office	232
forgery of letters patent	232
forging, etc., any bid, record, etc	232
forging deed, power of attorney, etc	233
having forged papers in possession	233
remedies of dispossessed occupants in certain cases	234
connections of railroads with Union Pacific	234
interstate communications	234
inclosure of when unlawful	239
no suit for when less than 160 acres included	241
maintenance of inclosures forbidden	239
may be removed, how	241
pending suits	241
assertion of title without right prohibited	239
United States district attorneys when to institute civil suits	239
jurisdiction of courts	240
such cases to have precedence	240
summary judgment	240
settlement or and transit over not obstructed	240
violation of land laws, guilty of misdemeanor	240
penalty	240
certain, restored to market	241
laws for relief of certain settlers on railroad lands restored to public domain	242

PUBLIC OFFICERS—

their fees not to be changed by special laws	94
--	----

PUBLIC PRINTING—

expenditure for, limited to \$2,500 a year	73
--	----

PUNISHMENT—

of crimes and misdemeanors, special laws for, forbidden	94
---	----

RAILROAD AID—

Territory and municipalities forbidden to grant	94
---	----

RAILROAD CARS—

entering for stealthy free ride	796
employees aiding	796

RAILROAD GRANTS—	PAGE
lands granted to railroad corporations, not exempt from taxation if surveyed	81
when sold for taxes, subject to lien for costs of survey, etc	81
lands opposite completed, portions of roads only affected	82
United States may become preferred purchaser	82
collection of costs of surveying	82
right of Government to forfeit not affected	82
costs of surveying, etc., lands granted to Union Pacific Railroad Co. . .	82
right to amend, etc., reserved	82
RAILROAD TRACKS—	
grant of right to lay, not to be made by special law	94
RANDOLPH—	
county seat of Rich county	266
RECORDS—	
commissioner of land office to certify	228
certain exemplifications of	229
authentication of foreign relating to lands	231
Territorial secretary to keep record of laws and proceedings of the legislature and acts and proceedings of Governor	42
RECORDER OF MARKS AND BRANDS—	
to record pedigree of stock	765
establishment of office	258
auxiliary office	258
duty of persons desiring marks and brands recorded	258
duty of	258
to publish recorded brands and marks	259
duty of clerks of auxiliary offices	259
penalty	259
RECORDERS—	
to be biennially elected	285
how to qualify	285
may appoint deputies; their duties and powers	285, 286
chief deputy to act as principal if he is deposed	286
responsible for acts of deputies	286
may administer oaths, when	286
duty on filing instrument	286
separate books for different classes of instruments	286
endorsement on instruments filed	286
what books to be kept by	286, 287
maps, etc., when unlawful to record	287
how certain official deeds to be indexed	288
liable for damages caused by neglect	288
county court to furnish record books	288
may cause old books to be transcribed	288
may cause abstract books to be made	288
free access to records	288
may make searches	289
liability for errors in abstracts	289
for errors when abstract furnished under license of county court	289
repeal of prior laws	289
REFORM SCHOOL—	
to be established in Weber county	672
trustees of	672
how and where to qualify	672
to appoint certain officers	673
may inspect all books etc	674
powers and duties	673, 674
compensation	674
to erect buildings	673
to visit school	674
not to be interested in contracts	673
when to report	674
capacity	673
appropriation	673

REFORM SCHOOL—

	PAGE
inmates to be instructed.....	674
who subject to be sent to.....	674
manner of committing to.....	674
where conviction is before justice.....	675
district judge may appoint guardian.....	675
examination of accused.....	675
warrant of commitment.....	676
those committed, how long to remain.....	676
trustees, power to discharge.....	676
effect of discharge.....	676
assisting inmate to escape a misdemeanor.....	676
removal of one convicted of felony.....	676
when land may be condemned for site.....	677

REGISTERS AND RECEIVERS—

Fees of.....	235-238
--------------	---------

REGISTRATION—

officers of and their duties.....	318
assessors are such, duty of.....	318, 219
may appoint a resident deputy.....	318
oath to voter.....	319
assessors to make list of voters.....	319
registry list to be delivered to assessors for revision.....	320
list to be preserved and copy posted.....	320
change of for voters removing.....	320
clerk of county court to preserve lists.....	320
he is to give notice that senior justice will hear objections to any registered person's right to vote.....	321
how objections to be heard.....	321
Territorial offices for, declared vacant.....	112
duties relating to devolved on board to be appointed by president....	112
regulations for.....	121

REPRESENTATIVES, HOUSE OF, how constituted—

where members to reside, term of office.....	42, 52
their qualifications.....	52

REPRIEVES, Governor's power to grant..... 41, 51

RESIDENTS—

who deemed such.....	329
----------------------	-----

REVENUE—

rates of taxation for Territory, county and schools.....	719
all property but specified exceptions, liable.....	720
all property but money to be assessed at fair cash valuation.....	720
money loaned and on hand at its legal value.....	720
real estate at its value Jan. 1.....	720
other property at its value when assessed.....	720
from credits, debts to be deducted.....	720
shares of stock in National banks to shareholders.....	721
shares in other corporations, money and taxable bonds in county where owner resides.....	721
if a corporation holding intangible property, in the county of its principal place of business.....	721
property held in trust to be assessed where situated.....	721
property to be assessed to owner if known.....	721
if unknown, then to owner unknown.....	721
tax a paramount lien.....	721
real estate, how referred to.....	721
corporations assessed and taxed like individuals.....	721
railroads, however owned, located in one or more counties.....	721
president or other officer to make statement.....	721
other than railroad corporations owning property in several counties..	722
officers of corporations to make statement of taxable property.....	722
assessors and collectors to be biennially elected.....	722
how to qualify.....	722
amount of bond, how determined.....	723
when increased.....	723
when to enter on their duties.....	723

REVENUE—

	PAGE
when they may collect taxes at time of assessment.	725
when assessor to be collector.	723
when assessment to be made.	724
county court to fill vacancies.	723
compensation, how fixed and paid.	723
deputies.	723
principals and deputies may administer oaths.	724
county court to furnish books.	724
penalty for making false list to assessor.	724
irregularities, etc., effect of.	724
taxable property may be added to roll at any time.	725
county court to hear complaints.	725
to fix compensation of assessor and collector.	725
to determine rate of county tax.	725
every tax payer must be notified.	725
county court a board of equalization.	725
its duties.	725
may increase or abate tax.	725
taxes may be remitted to what extent.	726
clerk to enter changes on assessment roll.	726
and report amount of tax to auditor.	726
taxes due Sept. 1.	726
delinquent Oct. 31.	726
when to be refunded.	726
warrant to be added to county tax roll.	726
form of.	727
collector's duties.	727
levy and sale for delinquent taxes.	727
when real estate salable for taxes.	728
notice for sale of non-resident's lands.	728
fees of collector for selling.	728
property about to be removed.	728
surplus proceeds of sale, how disposed of.	728
certificate of sale.	728
when amount of taxes not bid at sale.	728
redemption.	728
disposition of redemption money.	729
deeds for unredeemed lands.	729
what to contain.	729
uncollected taxes.	729
collector to have credit for.	729
clerk to keep account with collector.	729
collector to pay over money monthly or oftener.	729
quarterly reports to be made by county clerk to auditor.	730
when tax is paid, duty of collector.	730
county collector, sub-treasurers; to report to Territorial treasurer	
every 90 days.	720
Territorial and county warrants, how received for taxes.	730
school taxes, how held.	730
compensation of county treasurer.	730
Territory to pay half.	730
collector to settle Jan. 31st.	730
if tax remains unpaid he has right of action therefor.	730
auditor to keep account with Territorial treasurer and county collectors	
county collector to be credited with school money apportioned to his	
county.	731
when property removed from one county to another, how collected.	731
allowance for collector.	731
school taxes, how disbursed.	731
definition of terms.	731
repeal.	732
delinquent taxes due March 1, 1878.	732
auditor to prosecute official delinquencies.	733
may employ counsel.	733
public officers not to purchase warrants.	733
penalty.	733

REVENUE—	PAGE
county treasurer to procure cancelling stamp	733
taxes on transitory herds	733
license fees	734
book of to be kept	734
rate	734
not transferable	734
penalty for violations of act for	734
certain persons excepted	734
board of equalization	735
how constituted	735
how to qualify	735
its powers and duties and how they are performed	735-737
REVENUE LICENSE	734
RICH COUNTY	266
Randolph county seat	266
RICHFIELD CITY, county seat of Sevier county	261
boundaries; made a corporation; seal	600
powers of corporation	600
council, how constituted	600
members to qualify	601
meetings of	601
its power of appointment	602
its powers	602
justice to be elected	601
his powers and duties	601
to give bonds	601
elections, where held, certificates of	601
ordinances to be published or posted	603
how to be proven	603
RICHMOND CITY—	
charter	377
boundaries; made a body corporation; seal	377
powers of corporation	377
council, how constituted	377
two justices to be elected	378
mayor and councilors to qualify	378
elections	378
persons elected to be notified: must qualify	378
subsequent elections	378
powers of council	378-381
ordinances to be published	379
ordinances, how to be proven	379
justices, their jurisdiction and duties	380
mayor, powers and duties of	380
when act took effect	380
ROADS—	
legislation forbidden to pass special laws for laying out, etc.	93
or vacating	94
ROAD DISTRICTS—	130
county court has power to establish	299
ROCKVILLE, town of—	
boundaries; made a body corporate	604
board of trustees, how constituted	604
members to qualify	605
president to preside	605
powers of board	605, 607
vacancies, how filled	605
elections	605
persons elected to be notified and to qualify	605
clerk of board, powers and duties	605
marshal, powers and duties of	608
act, when to take effect	608
SALARY OF FEDERAL OFFICERS—	
to cease when officers absent from duty	59
to be paid quarterly	59

SALE—

	PAGE
special laws for, of real estate of minors and others under disability forbidden	94
SALT LAKE CITY—seat of Territorial government.....	243
supreme court there to hold sessions.....	243
county seat of Salt Lake county	264
charter.....	337
boundaries; made a body corporate; seal	338
powers of corporation.....	338
to be divided into wards	338
how council constituted.....	338
elections, when held	339
first election how conducted.....	339
subsequent elections.....	339
council to appoint certain officers.....	339
officers, how removed.....	340
vacancies, how filled.....	340
punishment for illegal voting.....	340
mayor's special oath	340
mayor and aldermen, conservators of the peace.....	340
their powers and duties.....	341
their jurisdiction.....	341
recorder's duties.....	341
marshal's duties.....	341
process, how directed and served.....	341
treasurer's duties.....	341
council meetings, mayor to preside.....	341, 342
council to manage finances and property.....	342
powers of council.....	342-347, 349, 350-352, 354, 356
assessment roll when to be returned	347
council to hear objections to	348
collector to be furnished tax list.....	348
taxes, how collected.....	348
ordinances must be published.....	349
ordinances how proven	349
council has power to prescribe duties of officers.....	349
officers appointed to be commissioned by mayor and recorder.....	349
penalty for failing to deliver books, etc., to successor.....	350
streets, how property taken for	350
cemetery lots exempt.....	350
saving clauses	350, 351
charter a public act	351
conservators of peace, their powers	351
old council to continue until successors elected.....	351
repealing clause.....	351
council to publish financial statement.....	351
commissioners of assessment.....	352
they to deliver assessment to recorder.....	353
recorder to give notice when council will hear objections.....	353
recorder to make tax list and deliver it to collector	353
if assessment set aside a new one to be made	353
if the first be insufficient another may be made.....	353
mayor's power to appoint police	354
council's power to borrow money.....	355
special election to decide on.....	355
council may provide for special election.....	355
sinking fund.....	355
repair of sidewalks.....	356
regulation of use of opium.....	356
taking of property for public use.....	356
deputy recorder to be appointed	356
power to construct canals.....	356
right of way	356
proceedings for acquiring	357, 358
may perfect title.....	358, 359
compensation of appraisers.....	359
vacancies how filled.....	359

	PAGE
SALT LAKE COUNTY	263
Salt Lake city, county seat.	264
SAN JUAN COUNTY—	
part of second judicial district...	268
first members of county court; term of office	268
their duties	268
voters of first election not required to register.....	268
county seat to be located, how.....	268
SANPETE COUNTY	262
Manti, county seat	262
SCHOOL DISTRICTS—	
county court has power to establish.....	299
name of, how changed.	314
SCHOOL FUND—	
collection and disbursement of	689
SCHOOL SECTIONS	47, 64, 224
deficiencies thereof, settlement before survey.....	224
selections to supply such deficiencies.....	224
fee simple to pass to State or Territory, how	228
SCHOOL TAXES—	
how held and disposed of by county collectors	730
how disbursed	731
SEALER OF WEIGHTS AND MEASURES.....	255
election of.....	255
how to qualify.....	255
his duties	255
weights, etc., gauged and sealed....	256
penalty for use of weights or measures other than standard.....	256, 258
to procure suitable rooms	256
accounts to be kept	256
what to have charge of.....	256
fees	256
to examine and test weights and measures.....	257
deputies, their term of office, etc.....	257
they are to procure weights and measures	257
and have them biennially gauged.....	257
semi-annual inspection to be made.....	257
fees	257
when deputy not to be appointed.....	258
SEAT OF GOVERNMENT—	
how established and changed.....	60, 64, 243
SECRETARY OF TERRITORY—	
how appointed.....	45, 58
how to qualify.....	58
his term of office, powers and duties.....	42
his salary	46, 51
appropriation to be expended by	46
to account to secretary of treasury.....	46
to record and preserve laws, etc.	42, 52
to send copies of laws to Congress.....	42, 52
to prepare Territorial laws for publication.....	52
to furnish annual estimates to secretary of the treasury.	52
may be allowed such fees as are fixed by Territorial laws.....	73
SELECTMEN—	
penalty for violating law in allowance of claims	294
election of.....	294
terms of office	294
present incumbents.....	295
SEVIER COUNTY	261
Richfield county seat	261
SHADE TREES	
on highway.....	742

SHERIFF —

	PAGE
to be biennially elected and term of office.....	279
how to qualify.....	279
may be required to attend county court.....	304
may appoint deputies.....	279
on tender of fees bound to execute process, etc.....	279
to take charge of jail.....	280
duty as jailor.....	280
how jails shall be used.....	280
what persons shall be confined separately.....	280
service of papers on prisoners.....	280
guard, how and for what purpose appointed.....	280
his duty to receive persons convicted.....	281
his compensation.....	281
deposit in civil cases.....	281
his duty to serve process.....	281
his duty to receive United States prisoners.....	281
answerable for their safe keeping.....	281
authorized by Poland bill to serve process.....	102

SIDEWALKS—

power of common council to compel to keep clear of obstructions....	331
along highways.....	742

SILVER REEF CITY.....

boundaries; made a corporation; seal.....	532
powers of corporation.....	532
council, how constituted.....	533
justices to be elected.....	533
mayor and councilors to qualify.....	533
elections.....	533
persons elected to be notified and to qualify.....	533
powers of council.....	534
ordinances to be published.....	534
how to be proven.....	534
mayor, powers and duties of.....	535
act, when to take effect.....	535

SMITHFIELD CITY—

charter.....	371
boundaries; made a corporate body; seal.....	371
powers of corporation.....	371
council, how constituted.....	372
justices, two to be elected.....	372
how mayor and councilors to qualify.....	372
elections.....	372
persons elected to be notified.....	372
powers of council.....	372-376
ordinances must be published.....	373
ordinances, how proven.....	374
justices of the peace, their jurisdiction and duties.....	374
mayor, powers and duties of.....	374
financial statement.....	376
council to manage the finances and property of the city.....	376

SPANISH FORK CITY.....

boundaries; made a corporation; seal.....	482
powers of corporation.....	482
council, how constituted.....	482
mayor to preside in council.....	483
mayor and aldermen to qualify.....	483
elections, where to be held and how conducted.....	483
qualifications of electors.....	483
powers of council.....	483-487, 488,
ordinances must be published.....	487
how to be proven.....	487
mayor and aldermen conservators of peace.....	487
their powers, jurisdiction and duties.....	487
council meetings.....	487
process, how directed and served.....	487

SPANISH FORK CITY—	PAGE
recorder's duty	488
property, how taken for streets	488
mayor subject to indictment for misconduct	488
council may provide for punishment by imprisonment	488
SPECIAL LAWS—	
prohibited when general law can be made applicable	94
SPECIAL PRIVILEGES—	
not to be granted	60, 73, 95
power of Congress to annul Territorial legislation not abridged	96
SPRING CITY	556
boundaries; made a corporation; seal	556
powers of corporation	556
council, how constituted	557
two justices to be elected.	557
their powers and jurisdiction.	559
mayor and councilors to qualify	557
elections	557
persons elected to be notified; to qualify	557
powers of council	558-560
ordinances to be published	559
how proven	559
mayor, his powers and duties	559
when act takes effect	560
SPRINGVILLE CITY	474
boundaries, made a corporation; seal	474
powers of corporation	474
council, how constituted	474
members to qualify	474
elections, when to be held and how conducted	474
qualifications of electors	474
powers of council	474, 478
ordinances to be published	478
how proven	479
mayor and aldermen, conservators of peace	479
their powers, jurisdiction and duties	479
meetings of council	479
process, how directed and served	479
recorder's duties	479
property, how taken for streets	480
mayor subject to indictment for misconduct	480
powers of council	480, 481
mayor's duties	480
SQUIRRELS—	
bounty for killing	749
SUB-TREASURER OF TERRITORY—	
county collectors such	730
SUMMIT COUNTY	265
Coalville, county seat	265
SUPERINTENDENT OF SCHOOLS—	
office abolished	123
laws relating to suspended	124
SUPERINTENDENT OF INDIAN AFFAIRS, Governor is	41
his salary as such	46
SUPERVISORS—	
of highways, appointment of; duties	740-742
SUPPORT OF POOR—	
who to furnish	691
penalty for refusal	691
order in which relatives liable	692
SUPREME COURT—	
how constituted	44-57
to appoint a clerk	45-57
to hold annual sessions at Salt Lake city	243

	PAGE
SURVEYOR-GENERAL	254, 255
office abolished	255
his books, etc., property of Territory	255
to be filed with Salt Lake county surveyor	255
ST. GEORGE CITY, county seat of Washington county	261
boundaries; made a corporation; seal	519
powers of corporation	520
council, how constituted	520
members of council to qualify	520
elections	520
persons elected to qualify	520
powers of council	521, 522
ordinances to be published	522
how proven	522
powers, jurisdiction and duties	522
powers of council	522-526
when act to take effect	523
penalty for failing to deliver books, etc., to successor	526
property, how taken for streets	526
cemetery lots to be exempt	526
saving clauses	527
powers of conservators of the peace	527
STREETS, ALLEYS AND PUBLIC GROUNDS—	
legislature forbidden to pass special acts to vacate	94
TAXES—SEE REVENUE—	
Government property not to be taxed	43-54
residents and non-residents to be taxed alike	43-54
district school taxes, how assessed and collected	679-681
special laws for assessment and collection of, forbidden	94
TERMS OF COURT—	
how many to be yearly held by supreme and district courts	103
TERRITORY—	
entitled to delegate to House of Representatives	56
TERRITORIAL GOVERNMENT, act to establish	41
TERRITORIAL LAWS—	
secretary to send copies of to Congress	42
to be submitted to Congress	43-54
certain annulled	109-117, 121-123, 124
TERRITORIAL LEGISLATURE—	
forbidden to pass certain local and special laws	93
limit of membership	72
forbidden to subscribe stock in or lend credit to corporations	94
in what cases debts may be incurred; limit	95
the compensation of members and presiding officers	72
division of Territory into council and representative districts	72
pay of subordinate officers of	72, 73
to be paid only during sessions	73
no greater number of officers or charges <i>per diem</i> allowed	73
not prohibited from creating towns, cities and municipal corporations	73
all previous special and general acts of such character confirmed	73
but subject to amendment or repeal by Territorial Assembly	74
how private rights affected	74
TERRITORIAL SEAL	253
TERRITORIAL OFFICERS—	
salaries of; when to commence	74
official oath, where to be administered	74
TERRITORIAL TREASURER—	
election of	328
how to qualify	250
duty of	250, 251
vacancy, how filled	251
to report to Assembly	252
to procure stamp	253
how appropriations to be paid	253
warrants to be paid in order of registry	254

TEXT BOOKS	PAGE
for schools, by whom to be selected.....	686
TIMBER AND TIMBER CULTURE—	
timber on mineral lands may be taken for certain purposes.....	170
permission to take not extended to railroad companies.....	171
duty of register and recorder to report unauthorized taking.....	171
penalty for unauthorized taking	171
timber and stone land in California, etc.....	171
application for purchase.....	172
false swearing in application.....	173
publication of application.....	173
facts to be proved.....	173
objection to patent.....	173
cutting timber unlawfully.....	174
penalty; proviso.....	174
certain prosecutions, relief from proviso.....	174
repeal	175
live oak and cedar lands	175
protection of such timber.....	176
cutting or destruction of such timber, penalty.....	176
vessels employed in carrying it away; forfeiture.....	177
clearance of vessels so laden.....	177
prosecution of depredators.....	177
secretary of navy to ascertain what reserved lands not required for naval purposes	178
lands so ascertained subject to sale....	178
preference right of purchase to certain parties	178
penalty for cutting or injuring timber on lands reserved or purchased for public purposes	178
authority to condone trespasses committed prior to March 1, 1879....	179
timber culture entries.....	179
when to be patented	180
limitations as to entry and quantities.....	180
oath on applications for.....	180
number of acres to be annually broken and planted.....	181
when time may be extended.....	181
when final proof to be made.....	182
forfeiture of right.....	183
land not liable for prior debts.....	183
fees of register and receiver.....	183
false oath, perjury.....	183
entries under former law how protected.....	184
publication of notices of contest.....	184
lands relinquished subject to entry at once.....	184
contestant allowed thirty days after notice of cancellation to make entry.....	484
act to encourage growth of.....	765
TITLE TO LAND—	
questions involving, not within jurisdiction of justices	44, 57
TOLL ROADS OR BRIDGES—	
when they become highways.....	739
special laws for chartering forbidden.....	94
TOOELE COUNTY.....	265
Tooele city county seat	265
TOOELE CITY, county seat of Tooele county.....	265
boundaries: made a corporation; seal.....	576
powers of corporation.....	576
council, how constituted.....	577
members to qualify.....	577
their powers.....	578-580
elections	577
who entitled to vote.....	578
ordinances to be published	579
how proven.....	579
justices, their powers and duties.....	579
mayor and aldermen such	579

	PAGE
TOQUERVILLE, town of	604
boundaries; made a body corporate.....	604
board of trustees, how constituted.....	604
members to qualify.....	605
president to preside	605
power of	605-607
vacancy, how filled.....	605
elections	605
persons elected to be notified; to qualify.....	605
clerk of board, powers and duties of.....	605
marshal, powers and duties of.....	608
act, when to take effect.....	608
TOWNS—	
when and how incorporated	653
board of trustees, qualifications, election	653
term of office	653
to be commissioned	653
their powers and duties.....	653-656
elections	654
duty of election clerks	654
duties of clerk of board of trustees.....	656
powers of marshal	656
act when to take effect	657
special laws to incorporate, or to change charters of forbidden.....	94
county court may change name of.....	314
TOWNSHIP OFFICERS—	
how to be selected.....	43
TOWN PLATS—	
legislature forbidden to pass special acts to vacate.....	94
TOWNSITES AND COUNTY SEATS—	
town or city sites on public lands.....	186
when towns established on unsurveyed lands	186
when maps of town not filed in twelve months	187
when size of lots or town plat too large	188
title to lots subject to mineral rights	188
townsite entry	188
when to be made.....	189
must be in proportion to number of inhabitants.....	190
Salt Lake city entry	190
indemnity to be given for school sections.....	190
additional entry, when allowed	190
not more than 2,500 acres to be reserved for townsite.....	191
certain entries within townsites confirmed.....	191
when townsites excessive.....	191
copies of acts incorporating towns, how furnished.	192
certain acts of trustees to be void.....	192
pre-emptions by counties for county seats.....	192
no title to mines of gold etc., or mining claim.....	193
military or other reservation.....	193
TOY PISTOLS—	
selling or giving away a misdemeanor	797
TRANSITORY HERDS—	
taxes on.....	733
TREASURER AND AUDITOR..	250
TRUSTEES OF RELIGIOUS SOCIETIES—	
may be appointed by probate judge	124
what property may be held.....	124
UINTAH COUNTY	266
Ashley, county seat	266
part of first judicial district.....	266
officers at organization.....	266
at first election registration omitted.....	267
UNITED STATES ATTORNEY—	
to be appointed	58
term of office	58

UNIVERSITY—

PAGE

instituted; name.....	658
powers, in what officers vested.....	658
how such officers elected.....	658
chancellor, chief executive officer.....	659
chancellor and board of regents incorporated.....	659
powers of.....	659
may appoint a secretary and define his duties.....	659
chancellor, regents and secretary to qualify.....	659
treasurer to be elected, how and when.....	659
his duties.....	659
how to qualify.....	659
vacancy in board, how to be filled.....	660
officers to open books for subscriptions, donations, etc.....	660
board to have a seal; use of.....	660
to establish free schools for orphans, etc.....	660
secretary and treasurer to report to auditor.....	660
board of commissioners to select university lands.....	660
their duty.....	660
compensation.....	661
normal pupils provided for.....	661
appropriation for free pupils.....	661
free pupils, how selected, their obligations.....	651, 652
repeal.....	662
deaf and dumb institute established.....	662
objects of.....	662
mechanical department.....	662
suitable buildings to be erected.....	662
appropriation.....	662
alcohol in bond may be withdrawn for scientific purposes, without pay- ment of tax.....	75
bond, how signed.....	75

UNLAWFUL COHABITATION—

a misdemeanor; punishment.....	111
indictment.....	111
challenges to jurors in trials for.....	111
amnesty.....	112

UTAH COUNTY

Provo, county seat.....	262
-------------------------	-----

UTAH TERRITORY, original boundaries

revised.....	62
--------------	----

UTAH AND NORTHERN RAILWAY COMPANY—

the right of way and other privileges granted, modified so as to make specified change of line.....	90
made a corporation in certain Territories.....	90
subject to laws and regulations of United States and Territory through which its road passes.....	90
Congress may add to, etc., the act.....	90

VACANCIES—

county court to fill certain.....	291-303
how delegate to fill, elected.....	66
in county court how filled.....	295
in elective Territorial office how filled.....	327
in office of probate judge, or justice, how filled.....	327
in other offices.....	327
all officers elected or appointed to fill, to qualify.....	328
in office of assessor and collector, how filled.....	723

VETO POWER

.....	51
-------	----

VILLAGES—

special laws to incorporate, or to change charter of forbidden.....	94
---	----

VOTERS—

oath of for registration.....	319
registration of.....	318-321
objections to registered voters' right to vote.....	321

VOTING—

certain regulations of annulled.....	121
--------------------------------------	-----

	PAGE
WASHINGTON CITY.....	528
boundaries, made a corporation; seal.....	528
powers of corporation.....	528
council, how constituted.....	528
members of council to qualify.....	529
elections.....	529
persons elected to be notified, and to qualify.....	529
power of council.....	529-531
ordinances to be published.....	530
how to be proven.....	531
justices, their powers and duties.....	531
mayor, his powers and duties.....	531
when act takes effect.....	532
WATER RIGHT.....	216
vested, to use water in mining, etc.....	216
right of way for canals.....	216
patents, pre-emptions and homesteads subject to.....	217
conditions for use of water on public lands for reclamation.....	218
navigable rivers within public lands public highways.....	218
WEASELS.....	159
bounty for killing.....	749
WELLSVILLE CITY—	
charter; boundaries; made a body corporate; seal.....	386
corporate powers.....	383
council how constituted.....	387
elections.....	387
mayor to preside in council.....	387
meetings of council.....	387, 388
powers of council.....	388, 395
council to appoint certain officers.....	388
how elective officers removed.....	388
vacancies how filled.....	388
all officers to qualify.....	388
justices, jurisdiction and duties.....	389
recorder's duties.....	389
treasurer's duties.....	389
assessment roll, when returned.....	390
collector to be furnished list of taxes.....	390
ordinances to be published.....	395
ordinances how proven.....	395
property how taken for streets.....	395
conservators of the peace, power of.....	396
council to publish financial statement.....	396
WILD CATS.....	158
bounty for killing.....	749
WILLARD CITY—	
charter.....	410
boundaries, made a corporation; seal.....	410
powers of corporation.....	410
council, how constituted.....	410
two justices to be elected.....	410
mayor and councilors to qualify.....	411
elections.....	411
persons elected to be notified and qualify.....	411
subsequent elections.....	411
powers of council.....	411-413
ordinances to be published.....	412
ordinances, how proven.....	412
justices, their jurisdiction and duties.....	413
mayor, his powers and duties.....	413
act, when it takes effect.....	413
WOLVES—	
bounty for killing.....	749

ERRATA FOR VOLUME ONE.

Read *these* for *the*, line 12, p 3, before *states*; *this* for *the*, line 5, p 6, before *Constitution*

Insert *to* after *attained* in last line, p 6

Read *his* for *this* p 9, s 6, sub div. 2, last line; for *same bill shall be law*, read *same shall be a law*, l 17, p 10; *to for for after money*, sub-div. 11, p 11, l 2; and for *that*, sub-div. 16, p 11, l 3; *whatever* for *whatsoever*, sub-div. 7, last line, p 12.

Insert *not* after *shall*, sub-div. 3, l 2, p 13; omit the word *to* Art. v. l 8, p 23.

Read 1787 for 1788, l 8, p 20; *laws for law*, s 3, l 7, p 42; *of for for*, s 4, l 18, p 42; *witness* for *witnesses*, l 10, p 45; *plvices* for *place*, s 13, l 8, p 47; *persons for person*, s 1847, l 16, p 53.

Insert *first* after *such*, s 1849, l 5, p 53.

Read *Territories for Territory* s 1871, l 2 p 57; *within* for *in* s 1891, l 4, p 61; *imprisoned* for *imprisonment*, s 5279, l 6, p 65; *vote* for *votes* between the and of, l 7. p 67; after *for an* for *any*, s 5512, l 1, p 67; *in* for *to*, l 2; *refuses* for *refuse*, l 21, and insert *so* before *register*; *on* for *or* after *contained*, s 5514, l 4, p 68; *officer* for *office*, s 5515, l 3, p 68; after *prevention* of *for or* s 5389, l 13, p 69; insert *of* between *or* and *whom*, l 17, same sec. and page; *sessions* for *session*, s 2, l 1, p 72.

Insert *to* after the first word *or* l 12, p 74; *one* after *any*, l 32, p 87.

Read *to cause* to be instead of *to be caused* to be, l 15, from bottom page 77; *this* for *any* in last line, p 90; *Acts* for *act* l 10, p 99; *any* for *an*, l 17, p 100; *settlement* for *settlements*, s 3, l 15, p 103; approved July 1, 1862 for July 8, 1862, p 108.

Insert in first line of title of act, *two* after the word *fifty*, p 110; *deemed* before *guilty*, s 3, l 4, p 111.

Read *emigrating* for *emigration*, s 15, l 5, p 118; *service* for *services*, l 6, p 128; of discharge instead of *his* discharge, s 2174, l 7, p 129; *such* for *said*, l 14, p 135; *of for or*, s 193, l 1, p 14; *proofs* for *proof*, s 207, l 8, p 145; *on* for *in*, s 235, l 11, p 159; *the* for *as*, s 247, l 4, p 164.

Insert *land* before *grant*, s 251, l 9, p 165.

Read *therefor* for *therefore*, s 297, l 9, p 190; *limitation* for *limitations*, l 15, p 196; *days* for *day*, l 12, p 200; *of three months* for *of the three months*, l 7, p 214; *rights* after *water* for *right*, s 423, l 3, p 217; *R. S.* for *R. R.* in citation, s 445, p 220; *for for to*, s 448, l 11, p 221; *other or further* for *or other further*, l 17, p 230.

Insert *City* after *Lake in Twelfth District*, l 1, p 246.

Read *viz* for *vis*, s 37, l 3, p 256; 10c for 10, s 41, l 16, p 257.

Insert *of* after *than*, s 42, l 3, p 258.

Read *northwest* for *northeast*, s 65, l 14, p 264.

Insert *an* before *assessor*, s 75, l 10, p 266.

Read \$3 for \$5, s 90, l 2, p 274.

Insert *of* after *also*, s 96, l 2, p 276; after *thousand*, *nor more than twenty thousand*, s 154, l 10, p 289.

Read *and a fair and accurate* for *and fair accurate*, s 121, l 7, p 282; *to for at*, l 2, p 297; *book* for *rook*, sub-div. 2, s 183, l 1, p 297; *shall* for *sha*, sub-div. 14, l 5, p 301

Insert *or* after *precinct*, s 223, l 5, p 314.

Read *commissioner* for *commissioners*, and *affidavits* for *affidavit*, s 226, l 2, p 315; *to for or*, s 241, l 3, p 319; *admit a* for *admit of a*, l 6, p. 322; *affecting* for *effecting*, l 3, and in l 10, insert *may* before *deem*, p 324; *funds* of *such* for *funds of the* in l 3, and in l 6, insert *any* after *by*, s 295, p 333; *engines* for *engineers*, sub div. 5, s 303, l 3, p 334.

Insert *to* after *answer*, s 313 l 11, p 340; *front* of *after in*, sub-div. 1, sec. 404, l 2, p 356.

Read *or trader* for *or other trader*, s 37, l 3, p 342; *persons* for *person*, s 385, l 5, p 351; *which gaming* for *which the gaming*, sub-div. 1, s 398, l 3, p 354, and in l 4, of the same *representative* for *representation*; *of for or*, s 406, l 8, p 356; *praying* for *paying* l 5, p 357; *by city* for *by the city*, l 3, p 364.

Insert *to* after *and*, s 530, l 6, p 381; *all* after *fill*, s 540, l 15, p 384.

Read *of streets* for *of the streets*, s 538, l 2, p 383; *all of that district* for *all of the district*, s 549, l 1, p 386; *judge* for *judges*, s 553, l 18, p 387.

Insert *for* after *provided*, s 554, l 3, p 387; *the* before *death*, s 559, l 1, p 388; *for* before *furnishing*, s 701, l 11, p 418.

Read *three* for *five*, s 687, l 3, p 415; *officers* for *offices*, s 688, l 6, p 415; 689 for 414, s 694, l 2, p 416; 22, 1878 for 15, 1872, side note, s 693, p 416; *March* 13, 1884, for *Feb.* 20, 1880, side note, s 715, p 420; *of for or* before *ardent*, s 717, l 7, p 420; 781 for 414, s 787, l 2, p 434; *lay pump logs* for *to lay pump logs*, s 803, l 2, p 437; *carrying* for *carriage*, s 813, l 3, p 439.

Insert *street* before *beggars*, l 3, p 439, and read *prostitutes* for *prostitution*, l 4.

Read *of city* for *of the city*, s 847, l 11, p 443; *inspection* read *inspecting*, s 875, l 1, p 447; *change or alter* for *change and alter*, s 894, l 16, p 451.

Insert *appropriate* and before *provide*, s 861, l 1, p 446; and before *three*, s 896, l 2, p 452.

Read *carriage of person* for *cartage of persons*, s 913, l 3, p 454; *flues* for *flumes*, s 916, l 3, p 454; *ability* for *abilities*, s 946, l 6, p 460; 1886 for 1876, side note, s 967, p 463.

Insert *to before defend*, s 944, l 3, p 459; *the before powers*, s 979, l 3, p 464; *and effect after execution*, s 980, l 4, p 464; *so before taken*, s 984, l 4, p 465; *of the after east*, s 1036, l 5, p 474.

Read 1852 for 1885, side note, s 1036, p 474; *proof for proofs*, s 1071 l 5, p 479; 19, 1855, for 1888, side note, s 1090; 22, 1878, for 23, 1882, side note, s 1098; *for from*, s 1100, l 15, p 484; *city for by the city*, s 1150, l 10, p 492; *lay for to lay*, s 1165, l 2, p 495.

Insert *to before license*, s 1119, l 3, p 486; *each before keep*, s 1152, l 18, p 463; *after materials the words within the city*, s 1166 l 3, p 495; *the before taking*, s 1185, l 1, p 497; *the before destruction* s 1119, l 4, p 498.

Read *assemblage* for *assemblages*, s 1174, l 7, p 496; *carrying for carriage*, s 1176, l 3, p 496; *brandy for and brandy*, s 1182, l 3, p 497; *benefits for benefit*, s 1202, l 2, p 500; *office for force*, s 1206, l 3, p 500; *are for is*, s 1212, l 1, p 501, and l 3, said for *the*; *Jan for Feb.*, side note s 1217; *thereof made for thereof be made*, s 1222, l 8, p 504; *to exceed for exceeding*, s 1223, l 4, p 504.

Insert *the before natural*, s 1226, l 14; p 505; *the before chief*, s 1230, l 1, p 506; *all after perform* s 1275, l 5, p 516.

Read *theatrical for theatricals*, s 1235, l 4, p 507; *be chief for be the chief*, s 1250, l 1, p 510; *theatrical for theatricals*, l 2, p 515.

Insert *the before laws*, s 1278, l 7, p 517; *of after require*, s 1280, l 4, p 517; *mouth of the before Santa* s 1291, l 3, p 519; *before to the words to purchase, receive, and hold property real and personal in said city*, s 1292, l 4, p 520; *and effect after execution*, s 1304, l 4, p 522.

Read *for taking for the taking*, s 1323, l 1, p 525; *upon for on*, s 1331, l 4, p 526; *inconsistent for consistent*, s 1335, l 2, p 527; *notice for note* s 1337, l 2, p 527.

Strike out *boarding*, s 1356, l 4, p 531. Insert *and before retailers*, s 1391, l 2, 538.

Read *weight for weights*, s 1402, l 1, p 539; *this or for this act or*, s 1404, l 3, p 539; *to carry for for carrying*, s 406, l 8, p 540; *at end of proviso read or of this state for or the laws of this state*; *a palpable for of any palpable*, s 1416, l 2, p 541; *upon for on*, s 1423, l 2, p 543.

Insert *and style after name*, s 1420, l 10, p 542; *for after provided*, s 1426, l 6, p 543; *public after other*, s 1439, l 7, p 547; *the after have*, s 1499, line 2, p 562; *the before ordinances*, l 2, p 569; *able before male*, s 1529 l 2, p 569; *the before streets*, s 1539, l 1, p 571.

Of the inhabitants in s 1501, l 8, p 562, should be inclosed in brackets; *the word have* s 1507, l 1, p 564, should be in brackets.

Read *come into his hands for come to hand*, s 1526, l 5, p 569; *and for or after combustible* s 1537, l 3, p 571; *of instruments for of all instruments*, s 1545, l 5, p 572; *omit the word, license*, s 1546, l 1, p 572; *and regulate for and to regulate*, s 1550, l 2, p 572; *trees for of trees*, s 1563, l 2, p 574; *this territory for the territory*, s 1567, l 4, p 574; *amount for amounts*, s 1573, l 2, p 574; 1853 for 1853, side note, s 1576; *clerks shall for clerks of election shall*, p 577; *of are*, s 1582, l 4, p 578 should be in brackets, and l 6, by ordinance for *for by ordinance*; *the for to before laws*, s 1598, l 7, p 582; *office for offices*, s 1601, l 17, p 582.

After *street*, l 5, p 586, insert *thence east to center of the westerly terminus of second street*.

Insert *for after provided*, s 1655, l 6, p 596; *omit the words recorder, treasurer, assessor, collector, and marshal* from s 1656, p 596, s 1684, p 602; *insert the before chief*, s 1662 l 1, p 598.

Read 1878 for 1888, in side note to s 1677; *by same for by the same*, l 7, p 601; *in such for of such*, l 8, p 605; *held for had*, s 1714, l 12, p 611; *charters for characters* l 8, p 612; *corporations for corporation*, s 1722 l 1, p 613.

Insert *may after which*, sub-div. 34, l 5, p 624.

Read *within for with*, sub div. 40, l 14, p 625; *submit for sumbit*, s 1809, l 5, p 650; *vest for rest*, s 1811, l 6, p 561; *the duties for their duties*, s 1821, l 2, p 653; *or tavern for and tavern*, sub-div 6 s 1824, l 3 p 654; *name for mame*, s 1825, l 6, p 656; *from for form*, s 1879, l 3, p 669; *for said sums for the sums*, s 1897, l 7, p 673; 23 for 25, l 5, p 704; *is a freeholder for as a freeholder*, in affidavit, p 707.

The sign calling attention to foot note on p 685, should be after the word *accounts*, s 1928, l 12. instead of after last word of said section: s 1934 is repealed, see s 1846.

Insert *the before qualifications*, s 1820, l 3, p 653; *per day after dollars*, s 1971, l 14, p 705; *such before sum*, s 1980, l 5, p 711; *safety for afity*, s 1984, l 5, p 712; *before whereas*, s 1996, l 1, p 714, the following: *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah that* : *option for opti-n*, s 1998, l 8, p 715; *of after name*, s 2045, l 3, p 733.

Read *from for form* s 1999, l 6, p 715; 1934 for 1931, foot (2) p 731; *taxes for tax*, s 2048, l 3; 1886 for 1883 side note to s 2069; *where for were*, sub-div. 6, l 2 p 742; *any angle for an angle*, l 6, p 747; *fifty for fifteen*, s 2109, l 3, p 748; *above animals for above named animals*, s 2110, l 4, p 748; *to said for of said*, s 6129, l 3, p 754; *bartering for batering*, s 2159, l 13, p 769; *sheriff for sheriffs*, s 2190, l 4, p 776.

Insert *free before travel*, s 2084, l 8, p 743; *that before each*, s 2215, l 1, p 783; *two, before the word may*, s 2219, l 28, p 784; *that before any*, s 2259, l 1, p 795.

Sections 2093 and 2094 were repealed 1888, see p 80 of session laws.

Read *if the one for if one*, s 2219, l 18, p 784; *pig-pen for big-pen*, sub-div. 1, s 2264, l 2, p 797.

Section 2231, p 785, is repealed by law of 1888, p 84, as follows; *That Section 17 of said act is stricken out.*

All after *following*, s 2257, l 10, p 794, to the word *and*, beginning l 16, should follow the last word of s 2258, p 795.

[The errata for Vol. II. will appear in that volume.]



